

Highways (Ireland) Bill.

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13 August 1853. 16 & 17 VICT.



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TO

Consolidate and amend the Laws relating to Highways in Ireland.

[Note.—The Words printed in *Italics* are proposed to be inserted in Committee.]

WHEREAS it is expedient to amend the Laws relating to Preamble.
Highways in Ireland, by assimilating them to the Laws
relating to Highways in England, and to consolidate the
same in One Act: Be it therefore enacted by the Queen's most
Excellent Majesty, by and with the Advice and Consent of the Lords
Spiritual and Temporal, and Commons, in this present Parliament
assembled, and by the Authority of the same, as follows :

I. All the Statutes and Enactments specified in the Schedule to Repeal of
Statutes.
this Act annexed shall be and the same are hereby repealed.

- 10 II. Provided always, That nothing herein contained shall extend As to the
Recovery of
Penalties
incurred for
Offences
against Acts
repealed.
5 & 6 W. 4.
c. 50, s. 2.
6 & 7 W. 4.
c. 63.
or be deemed or construed to interfere with any Acts, Rates, or Cesses
imposed or Acts done or Contracts or Agreements heretofore made
under the Authority of any of the said Acts, or to extend to prevent
the suing for or Recovery of any Rate imposed or any Penalty
15 incurred by any Offence committed against the Provisions of the said
Acts or any of them, previous to the Repeal of the said Acts in and
by this Act, or to prevent or defeat any Prosecution commenced or to
be brought for such Offence, but all Rates may be recovered, all
Penalties and Forfeitures incurred may be sued for and recovered,

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and

and all Contracts and Agreements may be enforced, and all Encroachments, Nuisances, and other Offences made or committed previous to the Repeal of the said Acts against the Provisions of the said Acts or any of them may be abated or prosecuted, by the Surveyor appointed under this Act, in the same Manner to all Intents and Purposes as if this Act had not been passed.

Present Surveyor to continue until a Surveyor is appointed.
6 & 6 W. 4.
c. 50.
Id. s. 4.

III. Provided always, That the Surveyor appointed under the Authority of any of the said Acts shall continue to act, and shall have the same Powers, Authorities, and be subject to the Discharge of the same Duty, and be liable to the same Penalties, as the Surveyor to be appointed under the Authority of this Act, until such Appointment shall have been made.

Interpretation Clause.
Id. s. 5.

IV. In the Construction of this Act the Word "Surveyor" shall be understood to mean Surveyor of the Highways or Waywarden; the Word "Parish" shall be construed to include Parish, Township, Tithing, Rupte, Vill, Wapentake, Division, City, Borough, Liberty, Market Town, Franchise, Hamlet, Precinct, Chapeltry, or any other Place or District maintaining its own Highways; and wherever anything in this Act is prescribed to be done by the Inhabitants of any Parish in Vestry assembled, the same shall be construed to extend to any Meeting of Inhabitants contributing to the Highway Rates duly convened pursuant to this Act; the Word "Vestry" shall be understood to mean any Meeting of the Inhabitants of a Parish duly convened for the Purposes of this Act; and the Word "Highways" shall be understood to mean all Roads, Bridges (not being County Bridges), Cartiageways, Cartways, Horneways, Bridleways, Footways, Causeways, Churchways, and Pavements; and the Word "Justices" shall be understood to mean Justices of the Peace for the County, Riding, Division, Shire, City, Town, Borough, Liberty, or Place in which the Highway may be situate or in which the Offence may be committed; and the Word "Church" shall be understood to include Chapel or any Place of Public Worship of any Denomination of Christians; and the Word "Division" shall be understood to include Limit; and the Word "Owner" shall be understood to include Occupier; and "Inhabitant" to include any Person rated to the Highway Rate; and the Words "Petty Session" or "Petty Sessions" to mean the Petty Session or Petty Sessions held for the Division or Place; and all the Powers hereby given to, and Notices, Matters, and Things required for, and Duties, Liabilities, and Forfeitures imposed on Surveyors, shall be applicable to all Persons, Bodies Politic or Corporate, liable to the Repair of any Highway.

V. The

V. The Inhabitants of every Parish maintaining its own Highways, at their First Meeting in Vestry for the Nomination of Overseers of the Poor in every Year, shall proceed to the Election of One or more Persons to serve the Office of Surveyor in the said Parish for the Year then next ensuing: Provided always, that any outgoing Surveyor shall continue to act until his Successor shall be appointed, and shall be re-eligible and may be re-elected, and shall in such Case continue to act and remain in Office, anything herein contained to the contrary notwithstanding; and in such Case Notice of such Election shall be given by the Chairman to the Person elected and to the outgoing Surveyor: Provided always, that in any Parish where there is no Meeting in the Year for the Nomination of Overseers of the Poor the Inhabitants contributing to the Highway Rate shall meet at their usual Place of public meeting upon the Twenty-fifth Day of March, or if that should happen to be a Sunday or Good Friday, then on the Day next following, or within Fourteen Days next after the said Twenty-fifth Day of March in every Year, to elect One or more Persons to serve the Office of Surveyor for the said Parish, which Surveyor shall repair and keep in repair the several Highways in the said Parish for which he is appointed, and which are now or hereafter may become liable to be repaired by the said Parish.

Surveyor to be elected annually. 14. s. 6.

May be re-elected.

VI. Every Vestry or Meeting of the Inhabitants of a Parish for the Purposes of this Act, other than the Meetings herein-before mentioned, or for which some other Notice and Form are herein particularly specified, shall be called by Notice in Writing signed by Four Ratepayers of the Parish, affixed on the principal outer Door of every Church, Chapel, or Place of Public Worship in the Parish, or if there be no Place of Public Worship on the usual Place of affixing Notices relating to the Affairs of the Parish, at some Time not less than Thirty or more than Forty Days previous to such Meeting.

Meetings to be called by a written Notice. 13 & 14 Vict. c. 93. s. 1.

VII. Any Person living within the Parish or any adjoining Parish, and having an Estate in Houses, Lands, Tenements, or Hereditaments lying within such Parish, in his own Right or in right of his Wife, of the Value of Ten Pounds by the Year, or a Personal Estate of the Value of One hundred Pounds, (such Person not living within the Parish being willing to serve the Office,) or being an Occupier or Tenant of Houses, Lands, Tenements, or Hereditaments (whether resident within the Parish or within any adjoining Parish) of the yearly Value of Twenty Pounds, shall be eligible to be elected as Surveyor for the Purposes of this Act: Provided nevertheless, that no Person who is now exempted by Law from serving the Office of

Qualifications of Surveyor. 14. s. 7.

Overseer of the Poor shall be compellable to serve the Office of Surveyor; provided also, that any Person who may be chosen and elected to serve the said Office of Surveyor may provide a sufficient Deputy, such Deputy to be approved of by the Justices at a Special Sessions for the Highways, who shall by Writing under their Hands testify their Consent thereto.

Penalty on
Surveyor
not acting
when chosen.
It. s. 8.

VIII. If any Person who shall be chosen and elected, and who is not exempt as aforesaid from serving the said Office, shall refuse or neglect to take to take upon himself the Office of Surveyor, or to provide a sufficient Deputy, to be approved of as aforesaid, he shall forfeit, on Conviction before any Two Justices, any Sum not exceeding Twenty Pounds, unless he can show to the said Justices good and sufficient Cause why he should not be called upon to serve the said Office: Provided also, that every Deputy so provided and approved of shall have the same Powers and Authorities, and be subject to the Discharge of the same Duty, and be liable to the same Penalties as any Surveyor appointed under the Authority of this Act.

Deputy.

Surveyor
may be ap-
pointed with
a Salary.
It. s. 9.

IX. Instead of electing such Surveyor as herein-before mentioned, it shall be lawful for the Majority of the Inhabitants so assembled as aforesaid in any Parish for the Election of Surveyors as aforesaid to nominate and elect any One Person of Skill and Experience to serve the said Office of Surveyor of such Parish, and to fix such Salary for the Execution of such Office as they shall think fit, which said Appointment shall be in Writing on Paper without Stamp, and signed by the Chairman of such Meeting; and such Surveyor, when so appointed, shall be invested with the same Powers, and subject to the same Duties, Forfeitures, and Penalties as any Surveyor appointed under the Authority of this Act would have been; and such Salary shall be paid out of the Money raised under the Authority of this Act, at such Times and in such Manner as shall have been agreed upon between the Inhabitants so assembled as aforesaid and the Person so nominated and elected as aforesaid: Provided nevertheless, that if such Surveyor shall cease to act, and be dismissed in the Manner herein-after described, such Salary shall also in like Manner cease and determine.

Surveyor on
verifying his
Accounts to
name his
Successor.
Id. s. 10.

X. The Surveyor or Surveyors at the Time of passing his or their Accounts, as herein mentioned, shall deliver to the Justices a Statement in Writing of the Name and Residence of the Person appointed to succeed him or them as Surveyor or Surveyors.

XI. In

XI. In case it shall appear on Oath to the Justices at a Special Sessions for the Highways, that the Inhabitants of any Parish have neglected or refused to nominate and elect a Surveyor or Surveyors in Manner and for the Purposes aforesaid, or that the outgoing
 5 Surveyor, except he had been directed by the Inhabitants so to do, has delivered no Statement of the Name and Residence of his or their Successor or Successors, or that the Surveyor is dead, or has ceased to possess the Qualification, or is or has become disqualified in any Manner herein mentioned, or that he has neglected to act, or
 10 refused to carry into operation the Duties imposed upon him by this Act, it shall and may be lawful for such Justices and they are hereby authorized and required, by Writing under their Hands, at their next next succeeding Special Sessions for the Highways, to dismiss such Surveyor so neglecting to act, or refusing to carry into operation the
 15 Duties imposed upon him by this Act, and to appoint any Person whom they may think fit to be a Surveyor for such Parish till the annual Meeting then next ensuing for the Nomination of Overseers or for the Election of Surveyors as aforesaid, and with or without such Salary, as to the said Justices shall seem fit and proper; and the
 20 said Surveyor, when so appointed, shall be invested with the same Powers, and be subject to the same Duties, Forfeitures, and Penalties, as any Surveyor elected by the Inhabitants of any Parish as aforesaid would have been.

Power to Justices in certain Cases to appoint a Surveyor.
 Id. s. 11.

XII. When a Parish is situated in more than One County, Division, or Liberty, the Surveyor so to be appointed as last aforesaid shall
 25 be appointed by the Justices at a Special Sessions for the Highways assembled in that County, Division, or Liberty in which the Church of the said Parish shall be situate.

When a Parish is situate in more than One County.
 Id. s. 12.

XIII. And whereas it is expedient that in many Cases Parishes
 30 should be formed into Districts for the Purpose of having One sufficient Person to be the District Surveyor, who should have the Superintendence and Management of the Funds to be raised and levied under the Provisions of this Act in each Parish forming Part of such District: Be it enacted, That it shall and may be lawful for the
 35 Inhabitants of any Parish in Vestry assembled, if they shall think fit, to empower and direct the Chairman of the said Vestry to make Application to the Justices assembled at the Quarter Sessions for the County, or, where the Parishes to be united shall be situated in the same Division, at some Special Sessions for the Division in which such
 40 Parish shall be situate, for the Purpose of being united with One or more Parishes to form a District for the Purposes aforesaid, and at the same Time to nominate One fit and proper Person to be returned to the said Justices to be appointed as such District Sur-

Parishes may direct Application to be made to Justices at Sessions for forming them into Districts.
 Id. s. 13.

veyor, together with the Amount of the yearly Salary which the said Inhabitants in such Vestry assembled shall agree to pay to such District Surveyor; which Application, with the Name of such last-mentioned Person, shall be forthwith made in Writing, signed by the Chairman of the said Vestry as aforesaid, and forwarded to the Clerk of the Peace in and for the said County, or to the Clerk of the Justices in and for the said Division, as the Case may be, who shall lay the same before the Justices at the Quarter Sessions then next holden in and for the said County, or at the Special Sessions as aforesaid.

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Justices at Sessions may unite such Parishes into Districts, and select and appoint a District Surveyor.
Id. s. 14.

XIV. On such Application as aforesaid being made by Two or more Parishes to the said Justices, they are hereby authorized, at the said Quarter Sessions, or at some Special Sessions as aforesaid, to take the same into their Consideration, and to unite such and so many of the Parishes so applying as aforesaid as they shall think fit into a District or Districts for the Purposes of this Act; and the said Justices shall select and appoint out of the Persons so nominated as aforesaid by the several Parishes so united into One District One fit and competent Person to be the Surveyor for such District composed as aforesaid, which Appointment shall be in Writing.

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Names of Parishes and of District Surveyor to be recorded, and a Copy thereof sent to each Warden, &c.
Id. s. 15.

XV. The Names of the said Parishes so united, and the Name of the Person so appointed as District Surveyor, shall be reduced into Writing, signed by the Chairman of the said Quarter Sessions, or by the Majority of the Magistrates present at such Special Sessions, and shall be transmitted by him or them to the Clerk of the Peace, who shall lay the same before the Justices assembled at the Quarter Sessions in and for the said County, or at some Adjournment thereof, who are hereby authorized and required to cause the same to be enrolled with the Records of the Court, and a Copy thereof shall be sent by such Clerk of the Peace to the Surveyor of each of the said Parishes so united; and such Parishes so united shall continue to form a District for the Purposes of this Act for the Space of Three Years then next following, and from thenceforward until the Warden of any One of the said Parishes so united, or the Chairman of the Vestry, shall, by Direction and in pursuance of a Resolution of the Inhabitants in Vestry assembled, give Twelve Months Notice to the Surveyor of each of the other Parishes, and to the said District Surveyor appointed by the said Justices, and to the Clerk of the Peace of the County in which the said Parishes are situate, of the Intention of the said Parish to cease to form a Part of the said District; in which Case, from and after the Expiration of the said Twelve Months Notice, the Union of the said Parishes into such District as aforesaid, and the Appointment of the said

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Parishes when united to form a District for Three Years, and until Twelve Months after any One Parish shall give Notice of Intention to cease to form One of said District.

said District Surveyor, shall cease and determine, so far as may concern or be binding on the said Parish so giving such Notice as aforesaid.

- XVI. Such District Surveyor, when so appointed, shall for all the
 5 Purposes of this Act, except the making, assessing, and levying the Rate in and by this Act authorized to be made, assessed, and levied, have, as far as the same are applicable, the same Powers, and he subject and liable to the same Duties, Penalties, and Forfeitures, as any Surveyor elected under the Provisions of this Act is invested
 10 with and liable to, and shall have the laying out and Application of all the Funds raised and levied under the Authority of this Act: Provided nevertheless, that such District Surveyor shall not expend any Monies levied in any One of the said united Parishes, except for the Use and Benefit of the Parish in which it is so levied, unless with
 15 the Consent of the Inhabitants of such Parish in Vestry assembled, for the Purpose of carrying on Repairs or beneficial Improvements under the Provisions of this Act for the common Benefit of the said united Parishes; and such District Surveyor shall annually receive from each of the Parishes composing his District respectively such
 20 Salary as shall have been agreed upon by the several Parishes in manner aforesaid, which Salary shall be paid to such District Surveyor by the Surveyor of the Highways out of the Money raised in each of such Parishes under the Authority of this Act; and in case of Nonpayment thereof the same shall be recoverable from the Sur-
 25 veyors of the Highways of such Parishes, to and for his own Use, in the same Manner as any Forfeiture is recoverable under this Act.

District Surveyor to have Power, &c. of Surveyor, except in levying Rate.
 Id. s. 16.

Salary of District Surveyor, how to be paid.

- XVII. In each of the Parishes so united into a District as aforesaid a Surveyor shall be elected as herein mentioned, in addition to the District Surveyor so appointed as aforesaid: Provided nevertheless,
 30 that such Surveyor shall only be authorized and required to make, assess, and levy the Rate herein directed to be made, assessed, and levied, and from Time to Time pay over the Money arising therefrom to such District Surveyor.

When Parishes are united, a Surveyor to be appointed to make Rate, &c.
 Id. s. 17.

- XVIII. If any Surveyor or District Surveyor or Assistant Surveyor shall neglect his Duty in anything required of him by this Act, for which no particular Penalty is imposed, he shall forfeit for every
 35 such Offence any Sum not exceeding Five Pounds.

Penalty on Surveyor, &c. for Neglect of Duty.
 Id. s. 20.

- XIX. And whereas it is expedient in large and populous Parishes that the Repairs of the Highways should be under the Direction and
 40 Control of a certain Number of Inhabitants, to be chosen and appointed as a Board for that Purpose, with necessary Powers: Be it therefore

Appointment of a Board directing Repairs in large Parishes.
 Id. s. 18.

therefore further enacted, That in any Parish where the Population by the then last Census, taken from the Returns made to Parliament, exceeds the Number of Five thousand, if it shall be determined by a Majority of Two Thirds of the Votes of the Vestrymen present at such Meeting as aforesaid to form a Board for the Superintendence of the Highways of the said Parish, and for the Purpose of carrying the Provisions of this Act into effect, it shall be lawful for the said Vestry to nominate and elect any Number of Persons, not exceeding Twenty nor less than Five, being respectively Household-ers, and residing in and assessed to the Rate for the Relief of the Poor of the said Parish, and also liable to be rated to the Repair of the Highways in the said Parish under and by virtue of this Act, to serve the Office of Surveyors of the Highways for the Year ensuing; and such Persons so to be nominated and elected as such Surveyors, or any Three of them, shall and are hereby authorized to act as a Board, and to be called "The Board for Repair of the Highways in the Parish of _____" (as the Case may be), and to carry into effect the Powers, Authorities, and Directions in this Act contained; and such Board are hereby authorized to appoint a Collector, or any Number of Collectors, of the Rates to be made under the Authority of this Act, and also to employ a Person of Skill and Experience to act as an Assistant Surveyor to the said Board, and also a Clerk to attend the said Board, and to keep the Accounts and Minutes of the Proceedings thereof, such Assistant Surveyor and Clerk to be paid such reasonable Salaries out of the said Rates as the said Board shall determine; and upon such Board being so nominated and elected as aforesaid all and every the Powers and Authorities given and created by this Act, and granted to or vested in the Vestry, and in any Person or Persons as Surveyor, shall, for the Purposes of the Parish so nominating and electing such Board, be and the same are hereby declared to be vested in the said Persons so to be elected, or any Three of them acting as such Board as aforesaid; and such Persons, or any Three of them, at a Meeting to be convened for that Purpose, may and they are hereby authorized to nominate and appoint a fit and proper Person to be Treasurer for the Deposit of the Monies to be collected for the Purposes of this Act, and to take from such Person good and sufficient Security for the Monies to be deposited in his Hands as aforesaid; and all Monies to be drawn from such Treasurer for the Purposes of this Act shall be drawn by Drafts or Cheques to be signed by the said Persons so to be nominated and elected as aforesaid, or any Three of them, at some One of their Meetings to be held under this Act, and such Drafts shall be respectively signed and entered in their Books by the said Clerk to be appointed as aforesaid: Provided always, and it is hereby declared, that upon the Expiration of the Year for which such Board shall be elected

Powers of
the Board.

5 elected as aforesaid, and before or on the Day for the Nomination and Election of Persons as Surveyors under the Authority of this Act, the said Board shall and are hereby directed to present to the Vestry of the Parish for which they shall have acted Copies of all their Accounts and also of the Minutes of their Proceedings during the preceding Year.

10 XX. It shall and may be lawful to and for such Board to rent, or with the Consent of the Vestry of any Parish to purchase, a fit and convenient Piece of Ground or other Premises for the keeping of the Implements and Materials necessary for the Reparation of the Highways, or for the preparing the Materials for the same respectively, and to determine and direct how and in what Manner the Highways in the said Parish, or any or either of them, or any and what Part or Parts thereof, shall be curbed or paved with Stone or otherwise.

15 XXI. If any Bridge shall hereafter be built, which Bridge shall be liable by Law to be repaired by and at the Expense of any County or Part of any County, then and in such Case all Highways leading to, passing over, and next adjoining to such Bridge shall be from Time to Time repaired by the Parish, Person, or Body Politic or Corporate, or Trustees of a Turnpike Road, who were by Law before the Erection of the said Bridge bound to repair the said Highways: Provided nevertheless, that nothing herein contained shall extend or be construed to extend to exonerate or discharge any County or any Part of any County from repairing or keeping in repair the Walls, 20 Banks, or Fences of the raised Causeways and raised Approaches to any such Bridge, or the Land Arches thereof.

XXII. The several Powers and Authorities hereby vested in the Surveyor of Highways, as well for the getting of Materials as the preventing and removing of all Nuisances and Annoyances, shall be 30 and the same are hereby vested in the Surveyor of County Bridges and the Roads at the End thereof repairable therewith; and the several Penalties, Forfeitures, Matters, and Things in this Act contained relating to Highways shall be and the same are hereby extended and applied, as far as the same are applicable, to such 35 Bridges and the Roads at the Ends thereof as aforesaid; the said Surveyor or Surveyors of County Bridges making Satisfaction and Compensation for all Trespass and Damage done in the Execution of the Powers of this Act in such and the same Manner as the Surveyors of Highways are required to make under the Provisions of 40 this Act.

*New
Highways.*
When new
Highways
are to be
kept in
repair by
Parishes.
Id. s. 23.

XXIII. No Road or Occupation Way made or hereafter to be made by and at the Expense of any individual or private Person, Body Politic or Corporate, nor any Roads already set out or to be hereafter set out as a private Driftway or Horsepath in any Award of Commissioners under an Inclosure Act, shall be deemed 5 or taken to be a Highway which the Inhabitants of any Parish shall be compellable or liable to repair, unless the Person, Body Politic or Corporate, proposing to dedicate such Highway to the Use of the Public shall give Three Calendar Months previous Notice in Writing to the Surveyor of the Parish of his Intention to dedicate such High- 10 way to the Use of the Public, describing its Situation and Extent, and shall have made or shall make the same in a substantial Manner, and of the Width required by this Act, and to the Satisfaction of the said Surveyor and of any Two Justices of the Peace of the Division in which such Highway is situate in Petty Sessions assembled, who 15 are hereby required, on receiving Notice from such Person or Body Politic or Corporate to view the same, and to certify that such Highway has been made in a substantial Manner, and of the Width required by this Act, at the Expense of the Party requiring such View, which Certificate shall be enrolled at the Quarter Sessions 20 holden next after the granting thereof, then and in such Case, after the said Highway shall have been used by the Public, and duly repaired and kept in repair by the said Person, Body Politic or Corporate, for the Space of Twelve Calendar Months, such Highway shall for ever thereafter be kept in repair by the Parish in which it is 25 situate: Provided nevertheless, that on Receipt of such Notice as aforesaid the Surveyor of the said Parish shall call a Vestry Meeting of the Inhabitants of such Parish, and if such Vestry shall deem such Highway not to be of sufficient Utility to the Inhabitants of the said Parish to justify its being kept in repair at the Expense of the 30 said Parish, any One Justice of the Peace, on the Application of the said Surveyor, shall summon the Party proposing to make the new Highway to appear before the Justices at the next Special Sessions for the Highways to be held in and for the Division in which the said intended Highway shall be situate; and the Question as to 35 the Utility as aforesaid of such Highway shall be determined at the Discretion of such Justices.

*Direction Post
&c.*
Direction
Posts, when
and how to
be erected
Id. s. 24.

XXIV. The Surveyor of every Parish, other than a Parish the whole or Part of which is within Three Miles of the General Post Office in the City of Dublin, shall, with the Consent of the Inha- 40 bitants of any Parish in Vestry assembled, or by the Direction of the Justices at a Special Sessions for the Highways, cause (where there are no such Stones or Posts) to be erected or fixed in the most convenient Place where Two or more Ways meet, a Stone or Post, with

with Inscriptions thereon in large legible Letters not less than One Inch in Height and of a proper and proportionate Breadth, containing the Name of the next Market Town, Village, or other Place to which the said Highways respectively lead, as well as Stones or Posts to
 5 mark the Boundaries of the Highway, containing the Name of the Parish wherein situate; and the Surveyor of every Parish shall, at the several Approaches or Entrances to such Parts of any Highways as are subject to deep or dangerous Floods, cause to be erected graduated Stones or Posts, as he shall judge to be necessary, for the
 10 guiding of Travellers in the best and safest Track through the Floods, and also to secure Horse Causeways and Foot Causeways, by Posts, Blocks, or Stones fixed in the Ground, or by Banks of Earth cast up or otherwise, from being passed over and spoiled by Waggon, Wains, Carts, or Carriages; and the said Surveyor shall be reimbursed out
 15 out of the Monies which shall be received by him pursuant to the Directions of this Act the Expenses of providing and erecting and of keeping in repair such Stones, Posts, or Blocks already erected or fixed, or which may hereafter be erected or fixed.

XXV. It shall be lawful for the Surveyor to make a Road through
 20 the Grounds adjoining to any ruinous or narrow Part of any Highway (not being the Site or Ground whereon any House stands, nor being a Garden, Lawn, Yard, Court, Park, Paddock, Plantation, planted Walk or Avenue to any House, or inclosed Ground set apart for Building Ground, or as a Nursery for Trees), to be made use of as a
 25 public Highway whilst the old Road is repairing or widening, making such Recompence to the Proprietor and Occupier of such Grounds for the Damages they may thereby sustain as the Justices at a Special Sessions for the Highways assembled may think reasonable, such Sum so awarded as a Recompence to be recoverable in the same
 30 Manner as any Fines and Forfeitures are recoverable under this Act.

Power to use adjoining Grounds as a temporary Road.
 Id. s. 25.

XXVI. If any Impediment or Obstruction shall arise in any Highways from Accumulation of Snow, or from the falling down of the Banks on the Side of such Highways, or from any other Cause, the Surveyor is required from Time to Time, and within Twenty-
 35 four Hours after Notice thereof from any Justice of the Peace of the County in which the Parish may be situate, to cause the same to be removed.

Impediments, &c.
 Surveyor to remove Snow, &c.
 Id. s. 26.

XXVII. And in order to raise Money for carrying the several Purposes of this Act into execution, a Rate shall be made, assessed,
 40 and levied by the Surveyor upon all Property now liable to be rated and assessed to the Relief of the Poor; provided that every such Rate shall be signed by the said Surveyor, and allowed by Two

Surveyor to make Rate.
 Id. s. 27.

43 Edw. c. 2. Justices dwelling in or near the Parish, and public Notice of the Allow-
 s. 1. ance by the said Justices shall be given on the next Sunday after the
 17 G. 2. c. 3. same shall have been so allowed, by fixing previously to the Com-
 s. 1. mencement of Divine Service Copies of the Rate and Allowance, in
 7 W. 4. & Writing or in Print, or partly in Writing and partly in Print, on or 5
 1 Vict. c. 45. near to the Doors of all the Churches and Chapels in the Parish or
 s. 2. District, or if there be no Church or Chapel on the usual Place of
 17 G. 2. c. 3. affixing Notices relating to the Affairs of the Parish; and no Rate
 s. 1. shall be esteemed or reputed valid and sufficient so as to collect and
 raise the same unless such Notice shall have been given. 10

Rate. XXVIII. The Surveyor shall permit all and every the Inhabitants
 The Rates to of the Parish to inspect every such Rate at all seasonable Times,
 be inspected by any Inhabitant, and Copies taken. paying One Shilling for the same, and shall, upon Demand, forthwith
 Id. s. 2. give Copies of the same or any Part thereof to any Inhabitant of
 the Parish, paying at the Rate of Sixpence for every Twenty-four 15
 Names.

No Rate valid unless made upon an Estimate of the net annual Value, &c. XXIX. No Rate shall be allowed by any Justices or be of any
 6 & 7 W. 4. Force which shall not be made upon an Estimate of the net annual
 c. 96. s. 1. Value of the several Hereditaments rated thereunto, that is to say, of
 the Rent at which the same might reasonably be expected to be let 20
 from Year to Year free of all the usual Rates and Taxes and Tithe
 Commutation Rentcharge, and deducting therefrom the probable
 average annual Costs of the Repairs, Insurance, and other Expenses,
 if any, necessary to maintain them in a State to command such
 Rent. 25

Surveyor may inspect Rate Book, and obtain Copies or Extracts. XXX. And in order to enable the Surveyor to form a proper
 5 & 6 W. 4. Judgment of any Rate to be made in pursuance of this Act, he it
 c. 50. s. 28. further enacted, That it shall be lawful for the Surveyor, and he is
 hereby authorized and empowered, at all reasonable Times, to inspect,
 or by Writing signed by him to grant Authority to any Person 30
 appointed by him to inspect, any of the Rates, made towards the
 Relief of the Poor of the Parish of which he is Surveyor, or the
 Books wherein the Assessments thereto shall be entered, without Fee
 or Reward; and the Surveyor, or Person by him authorized as afore-
 said, shall be allowed to make a Copy of such Rate or Books, or to 35
 take any Extracts therefrom; and if any Person in whose Custody
 or Power any of the said Rates or Books shall be shall, when thereunto
 required in manner aforesaid, refuse or neglect to produce the same
 to the Surveyor, or Person so by him authorized as aforesaid, as the
 Case may be, or to allow such Copy or Extract to be made or taken, 40
 at all reasonable Hours in the Daytime, he shall for every such Offence
 forfeit and pay any Sum not exceeding Five Pounds.

XXXI. Every

XXXI. Every Rate shall contain the Names of the Occupiers, the Description of the Premises or Property they occupy, and the full annual Value of such Premises or Property, and shall also specify the Sum in the Pound at which it is made; and no Rate to be levied or assessed as aforesaid shall exceed at any One Time the Sum of *Ten-pence* in the Pound, or the Sum of *Two Shillings and Sixpence* in the Pound in the whole in any One Year: Provided nevertheless, that, with the Consent of Four Fifths of the Inhabitants of any Parish contributing to the Highway Rate, assembled at a Meeting specially called for that Purpose, Ten Days previous Notice of the same having been given by the Surveyor of the said Parish, the Rate to be levied and assessed as aforesaid may be increased to such Sum as the said Inhabitants so assembled may think proper.

Form and
Amount of
Rate.
Id. s. 29.

XXXII. Provided always, That in Parishes in which the Overseers of the Poor have Power by Local Acts of Parliament to compound with or [require Composition for Poor Rates from the Landlords of certain Houses, Tenements, or Hereditaments, and, in case of their Refusal to compound, to rate such Landlords as the Occupiers, the Surveyor shall have the same Powers, Remedies, and Privileges to compound and enforce Composition, and, in case of Refusal by the Landlords, to assess them in the same Proportions to the Rates authorized to be made by this Act, as the Overseers of the Poor have by such Acts for assessing and recovering any Rate made for the Relief of the Poor, or the Compositions entered into for the same.

Surveyor to
have Power
to enforce
Composition
in certain
Parishes.
Id. s. 30.

XXXIII. Whenever it shall appear to the said Surveyor as aforesaid that there has been any Omission or Error in any Rate or Assessment made in pursuance of this Act of or in the Name of any Person, Parson, or Vicar, or of any House, Shop, Warehouse, Coach-house, Stable, Cellar, Vault, Building, Workshop, Manufactory, Garden Ground, Land, Tenement, Wood, Tithe, Mines, Pits or Quarries of any Mineral, Stone, or other Matter whatsoever, or Hereditament, liable to be rated for the Purposes of this Act, it shall be lawful for the said Surveyor as aforesaid, with the Consent and Approbation of the Justices at a Special Sessions for the Highways, to cause to be added or corrected in the said Rate or Assessment the Name of the Person, Parson, or Vicar omitted or erroneously stated, and a Description of the Property in respect of which he ought to be rated; and every such Addition or Correction made in any of the said Rates, and signed by such Justices, shall be as valid and effectual as if the same had been Part of the original Rate at the Time when it was first made.

Errors in
Rates may
be rectified.
Id. s. 31.

Poor Persons
may be
excused by
Justices from
Payment of
Highway
Rate.
Id. s. 32.

XXXIV. It shall and may be lawful for the Justices at a Special Sessions for the Highways, on Application made to them by any Person rated to any Rate under the Authority of this Act to be discharged therefrom, on Proof of his Inability through Poverty to pay such Rate, the Surveyor having been first summoned to appear 5 on the Part of the Parish, to order and direct that such Person shall be excused from the Payment of such Rate; and which Order of the said Justices is hereby declared to be final with respect to such Rate.

Certain
Persons not
liable to
Payment of
Highway
Rate.
Id. s. 33.

XXXV. When Property, or the Owner or Occupier in respect thereof, has previous to the passing of this Act been legally exempt 10 from the Performance of Statute Duty, or from the Payment of any Composition in lieu thereof, or of Highway Rate, the said Property, and the Owners and Occupiers thereof, shall be exempt from the Payment of the Rate hereby imposed.

Distress.

Distress for
Poor's Rate
&c., if not to
be found
within the
District, &c.,
may be made
out of the
District.
64 G. 3. c. 170.
s. 12.
48 Edw. c. 2.
s. 4.
17 G. 2. c. 38.
s. 7.

XXXVI. The Goods and Chattels of any Person neglecting or 15 refusing to pay any Sum of Money legally assessed on and due from him in respect of any Highway Cess or Rate of any District or Parish for the Space of Seven Days after the same shall have been legally demanded of him, shall and may be distrained and sold by Warrant of Distress from any Two Justices, not only within such District 20 or Parish, but also within any other District or Parish within the same County, Riding, Division, or Jurisdiction; and if sufficient Distress cannot be found within the same County, Riding, Division, or Jurisdiction, then, upon Oath thereof made before any One or more Justice or Justices of the Peace of any other County, 25 Riding, Division, or Jurisdiction in which any of the Goods or Chattels of such Persons shall be found, which Oath such Justice or Justices are hereby required to administer and certify, by endorsing in his or their respective Handwriting his or their Name or Names on the Warrant granted to make such Distress, the Goods and Chattels 30 of the said Person or Persons so neglecting or refusing to pay as aforesaid shall be subject and liable to such Distress and Sale in such other County, Riding, Division, or Jurisdiction where the same shall be found, and may, by virtue of such Warrant and Certificate, be distrained and sold in the same Manner as if the same had been 35 found within the District or Parish in or for which such Rate or Cess had been made or was due.

No Person
making any
Distress
where the
Sum due
shall not

XXXVII. After the passing of this Act, no Person whatsoever making any Distress under this Act, where the Sum demanded and due shall not exceed the Sum of Twenty Pounds, nor any Person 40 whatsoever employed in any Manner in making such Distress, or doing

- doing any Act whatsoever in the course of such Distress, or for carrying the same into effect, shall have, take, or receive out of the Produce of the Goods or Chattels distrained upon and sold, or from the Person distrained on, or from any other Person whatsoever, any other or
 5 more Costs and Charges for and in respect of such Distress, or any other Matter or Thing done therein, than such as are fixed and set forth in the Schedule hereunto annexed, and appropriated to each Act which shall have been done in the course of such Distress; and no Person or Persons whatsoever shall make any Charge whatsoever for
 10 any Act, Matter, or Thing mentioned in the said Schedule unless such Act shall have been really done.

exceed 20*l*. to take other Charges than mentioned in the Schedule annexed;

not to charge for any Act not done.
 37 G. 3. c. 93. s. 1.
 7 & 8 G. 4. c. 17.

- XXXVIII. It shall and may be lawful for the Justice or Justices granting any Warrant of Distress under this Act, therein to order and direct the Goods and Chattels so to be distrained to be sold and
 15 disposed of within a certain Time to be limited in such Warrant, so as such Time be not less than Four Days nor more than Eight Days, unless the Rate, Penalty, or Sum of Money for which such Distress shall be made, together with the reasonable Charges of taking and keeping such Distress, be sooner paid.

Not less than Four nor more than Eight Days to elapse before Sale.
 37 G. 3. c. 93. s. 51.

- XXXIX. The Officer making such Distress shall and is hereby empowered to deduct the reasonable Charges of taking, keeping, and selling such Distress out of the Money arising by such Sale; and the Overplus (if any) after such Charges, and also the said Rate, Penalty, or Sum of Money, shall be fully satisfied and paid, shall be
 25 returned, on Demand, to the Owner of the Goods and Chattels so distrained; and the Officer executing such Warrant, if required, shall show the same to the Person whose Goods and Chattels are distrained, and shall suffer a Copy thereof to be taken.

Officer to deduct the Charge of keeping and selling.

Overplus to be returned.
 El. s. 2.

- XL. It shall be lawful for all Justices, if in their Discretion they shall so think fit, in any Warrant of Distress they shall make and issue for the levying of any Sum or Sums to which any Person or Persons may be rated or assessed in or by any Rate or Assessment for the Highways in Ireland, or in any Warrant for the levying of any Arrears of the same, to order that a Sum, such as they may
 35 deem reasonable, for the Costs and Expenses which such Surveyors, or the Persons applying for such Warrant, shall have incurred in obtaining the same, shall also be levied of the Goods and Chattels of the Person or Persons against whom such Warrant shall be granted,
 40 together with the reasonable Charges of the taking, keeping, and selling of the said Distress.

Where a Warrant of Distress is granted for a Poor Rate or Highway Rate, &c. the Cost of obtaining it may also be levied.
 12 Vict. c. 14. s. 1.

Power to
order Im-
prisonment
not extend-
ing Three
Months in
default of
Distress.
Id. s. 2.

XLI. When to any Warrant of Distress for the levying of any Sum or Sums to which any Person or Persons may be rated or assessed in or by any Rate or Assessment herein-before mentioned it shall be returned by the Constable or Person having the Execution of such Warrant that he could find no Goods or Chattels, or no 5 sufficient Goods or Chattels, whereon to levy such Sum or Sums, together with the Costs of or occasioned by the levying of the same, it shall be lawful for any Two or more Justices of the Peace before whom the same shall be returned, or for any Two or more Justices of the Peace for the same County, Riding, Division, Liberty, City, 10 Borough, or Place, if in their Discretion they shall so think fit, to issue their Warrant of Commitment against the Person with relation to whom such Return shall be so made as aforesaid, in the Form () in the Schedule to this annexed, or in any Form to the like Effect, and thereby order such Person to be imprisoned in the Common 15 Gaol or House of Correction for any Time not exceeding Three Calendar Months, unless the Sum or Sums therein mentioned shall be sooner paid; and every such Warrant of Commitment made or issued for Default of Distress as aforesaid shall be made as well for the Nonpayment of the Costs and Expenses so as aforesaid incurred 20 in obtaining such Warrant of Distress, if the same shall be so ordered as aforesaid, and the Costs attending the said Distress, and also the Costs and Charges of taking and conveying the Party to Prison, (the Amount of such several Costs, Expenses, and Charges being stated in such Warrant of Commitment,) as for the Nonpayment of the Sum 25 or Sums alleged to be due for the said Rates respectively.

One Warrant
may be is-
sued against
several Rate-
payers;
but other-
wise as to a
Commitment
in default of
Distress.
Id. s. 3.

XLII. For the saving of Expense in the levying of any Sum or Sums for Rate and Costs as aforesaid it shall be lawful to make and issue One Warrant of Distress against any Number of Persons neglect- 30 ing or refusing to pay the same, in the Form in the Schedule to this Act annexed; but nothing herein shall be deemed or construed to authorize Justices in like Manner to grant or issue One Warrant of Commitment against several Persons in default of Distress as aforesaid.

To whom
Warrants of
Distress or
Commitment
to be di-
rected.
Id. s. 4.

XLIII. The Warrants aforesaid may be directed to the Surveyors 35 of the Highways respectively, and to the Constable of the Parish or Township, and to any other Person or Persons, or to any One or more of them, as by the Justices granting the same shall be deemed fit.

Summons,
and how
served;
Id. s. 5.

XLIV. Every Summons to be issued against any Person for Non- 40 payment of any Sum for which he shall be so rated or assessed as aforesaid shall be directed to such Person, and may be in the Form () in

- in the Schedule to this Act annexed, or in any Form to the like Effect, and the same may be served by any Surveyor of the Highways respectively, or Constable or other Person to whom it shall be delivered for that Purpose, upon the Person to whom it is so directed, 5 by delivering the same to the Party personally, or by leaving the same with some Person for him or her at his or her last Place of Abode, and the Person who shall serve the same in manner aforesaid shall attend at the Time and Place and before the Justices in the said Summons mentioned, to depose, if necessary, to the Service of the said 10 Summons; and if, upon the Day and at the Place appointed in and by the said Summons for the Appearance of the Party so summoned, such Party shall fail to appear accordingly, in obedience to such Summons, then and in every such Case, if it be proved upon Oath or Affirmation to the Justices then present that such Summons was 15 duly served as aforesaid a reasonable Time before the Time so appointed for his or her Appearance as aforesaid, it shall be lawful for such Justices of the Peace, in their Discretion, if they shall so think fit, to proceed *ex parte*, in the same Manner to all Intents and Purposes as if such Party had personally appeared before them in 20 obedience to the said Summons.

If not obeyed, the Justices may proceed ex parte.

- XLV. In all Cases where any Proceedings shall be taken to compel Payment of any Sum for which any such Person shall be so rated or assessed as aforesaid, if at any Time before such Person shall be committed to and lodged in Prison for Nonpayment thereof, or for 25 or by reason of its being returned to such Warrant of Distress as aforesaid that there are no Goods or Chattels or no sufficient Goods or Chattels of such Person whereon the same may be levied as aforesaid, such Person shall pay or tender to the Surveyor of Highways respectively, or other Person authorized to collect or receive 30 such Rate, the Sum so sought to be recovered, together with the Amount of all Costs and Expenses up to that Time incurred in the Proceedings so taken to compel Payment thereof as aforesaid, then and in every such Case the Person to whom such Sum and Costs shall be so paid or tendered shall receive the same, and thereupon 35 no further Proceedings for the Recovery of the same shall be had or taken.

On Payment or Tender of Rate and Costs, Proceedings to cease.
Id. s. 6.

- XLVI. In all Cases where such Costs and Expenses as aforesaid shall have been paid and received, or any Proceedings taken or Imprisonment had for Nonpayment of the same, such Payment 40 and Receipt, and such Proceedings or Imprisonment, shall be deemed legal to all Intents and Purposes, and no Action or other Proceeding shall be had or proceeded in for or in respect of the same.

Costs already recovered or proceeded for deemed legal.
Id. s. 7.

Vestries to determine whether (d. Tenements shall be rated to the Owners instead of Occupiers. 13 & 14 Vict. c. 90, s. 1.

XLVII. And whereas the Collection of Highway Rates assessed upon the Occupiers of Tenements of small annual Value is expensive, difficult, and frequently impracticable: Be it therefore enacted, That it shall be lawful for the Vestry of any Parish, from Time to Time and at all Times hereafter, to declare and order that the Owners of 5 Tenements in such Parish the yearly rateable Value whereof shall not exceed Six Pounds shall be rated and assessed to the Rates for the Maintenance of the Highways in respect of such Tenements, instead of the Occupiers thereof, and the Order so made shall remain in force until rescinded in the Manner herein-after authorized." 10

Order may be rescinded by a Majority of Two Thirds of Persons present at Vestry. Id. s. 2.

XLVIII. It shall be lawful for the Vestry of the said Parish, by a Majority of Two Thirds at least of the Votes of the Persons present at a Meeting duly called for that Purpose pursuant to Notice, as herein mentioned, and competent to vote thereat, at any Time after the Expiration of Two Years from the Time when any such Order 15 shall have been so made, to order that from and after a Day to be fixed by such Vestry, not being less than Three Years from the Date of such original Order, such Order shall cease and be rescinded, in which Case, from and after such last-mentioned Day, the said Order shall be rescinded and no longer in force: Provided nevertheless, that 20 the Provisions in this Act contained shall remain and continue in force for the Purpose of collecting and recovering any Rate which may have been previously made in pursuance of such Order.

Whilst Order is in force, the Highway Rates to be rated to Owners. Id. s. 3.

XLIX. Whilst any such Order as firstly herein-before mentioned is in force the respective Owners of such Tenements shall be rated 25 and assessed (instead of the Occupiers thereof) to the Rates for the Repairs of the Highways which otherwise such Occupiers might by Law be rated to.

Owner to be rated on a reduced Scale. Id. s. 4.

L. Whilst such Order as firstly herein-before mentioned is in force the Owner of every Tenement in every Parish the yearly rateable 30 Value whereof shall not exceed Six Pounds shall be assessed to the Rates for the Repairs of the Highways in respect of such Tenement at Three Fourths of the Amount at which the Occupier of such Tenement would be liable to be rated; and further, whilst such Order as firstly herein-before mentioned is in force, if any Owner of 35 One or more such Tenements shall be desirous of paying a Rate for One Year in respect of all such Tenements in any Parish, whether such Tenements be occupied or unoccupied, and shall give Notice in Writing of such his Desire to the Surveyors of the Highways within One Calendar Month after the passing of this Act, or in any subsequent Year within Fourteen Days next after the Twenty-fifth Day of 40 March in that Year, then and in such Case such Owner shall be assessed

assessed to the Rates for the Repair of the Highways in respect of such Tenement or Tenements respectively, whether the same be occupied or unoccupied, from thenceforth to the Twenty-fifth Day of March following, at a Sum not being less than One Half of the Amount at which the Occupier or Occupiers of such Tenement or Tenements respectively would be liable to be rated.

LI. The Rates to be assessed as aforesaid, together with the Costs and Charges of levying and recovering the same, may be levied on the Goods of and recovered from the respective Owners of such Tenements as aforesaid, by Distress, Action, Suit, or other Proceeding, in the same Way as such Rates, if lawfully assessed on the Occupiers of such Tenements, might by Law be levied on the Goods of or recovered from such Occupiers; and further, the Goods and Chattels of the Occupiers of such Tenements shall be liable to be distrained and sold for Payment of such of the said Rates as shall accrue due during their respective Occupations, in the same Way as if such Rates were assessed on such Occupiers.

LII. Every such Owner so rated as aforesaid shall have the same Right of Appeal (subject to the same Conditions) against Rates, and the same Right to vote in Vestry, as if he were an Occupier duly rated in respect of the same Tenement.

LIII. Where the Owner of any such Tenement shall be rated by virtue of this Act instead of the Occupier thereof, and such Owner shall have paid all Money due on account of any Rate or Rates in respect of such Tenement, such Occupier shall be entitled to all Municipal Privileges and Franchises to which by virtue of an Act made and passed in the Session of Parliament held in the Third and Fourth Years of the Reign of Queen Victoria, intituled "An Act for the Regulation of Municipal Corporations in Ireland," he would have been entitled if he himself had been rated, and had paid such Rate or Rates; and if such Owner so rated as aforesaid shall not have paid such Rate or Rates, it shall be lawful for such Occupier to tender to the Person authorized by Law to receive the same the Amount of any Rate or Rates then due from such Owner in respect of such Tenement, and such Person so authorized as aforesaid shall be bound to receive the same; and such Occupier shall, on the Payment or Tender of such Amount, be entitled to exercise all such Privileges and Franchises as hereinbefore mentioned: Provided always, that any Occupier so paying any Rate or Rates in respect of any Tenement where the Owner is rated to the same shall be entitled to deduct and retain the Amount so paid by him from the next Payment of Rent to be made by

Bonities for recovering of Rates.

Id. s. 5.

Owners assigned to have the Privileges of Occupiers.
Id. s. 6.

When Owner is rated, Occupier to be entitled to the same Municipal Privileges under 3 & 4 Vict. c. 108. as if he was rated instead of the Owner.
Id. s. 7.

him to such Owner, or to recover the same from such Owner as Money paid to and for the Use of such Owner.

Owners of Tenements held for longer Periods than from Year to Year entitled to add to Rent the Amount paid for Rates.
Id. s. 8.

LIV. Such Owners paying such Rates in respect of Tenements continuing to be held by Occupiers under now existing Tenancies for a greater Term than from Year to Year shall be entitled to 5 add what they shall so pay to the Rent payable in respect of such Tenements, and have the same Remedies for recovering the same as for Rent in arrear; and that Occupiers, other than such as shall continue to hold under now existing Tenancies for a greater Term than from Year to Year, may (whether paying such Rates voluntarily 10 or by Compulsion) deduct the respective Amount so to be answered by them as aforesaid, together with all Costs and Charges they may have incurred on account thereof, from the Rent payable in respect of such Tenements, and such Amounts shall be deemed Debts due from such Owners to such Occupiers, and be recoverable by 15 Action.

"Owner,"
Id. s. 9.

LV. Provided always, That in the Construction of the last preceding Eight Sections the Word "Owner" shall be understood to mean any Person receiving or claiming the Rent of any such Tenement for his own Use, or receiving the same for the Use of 20 any Corporation aggregate, or of any public Company, or of any Landlord or Lessor who shall be a Minor, under Coverture, or insane, or for the Use of any Person who shall not be usually resident within Twenty Miles from the Parish in which such Tenement shall be situated.

25

Ratepayers may divide among themselves the Conveyance of Stones, &c. for Repair of Highways, which shall be paid for by the Surveyor.
5 & 6 W. 4. s. 30. s. 35.

LVI. It shall be lawful for Two Ratepayers of any Parish, within Six Days next after the annual Appointment of the Surveyor, by a Notice in Writing, to require the said Surveyor to call a Meeting of the Ratepayers of the said Parish for the Purpose hereafter mentioned; and the said Surveyor shall call such Meeting within Eight Days 30 after the Receipt of such Notice, and shall give Six Days previous Intimation of such Meeting; and if at such Meeting a Majority of the Ratepayers then and there assembled shall signify their Consent thereto, it shall and may be lawful for the Ratepayers keeping a Team or Teams of Two or more Horses or Beasts of Draught to 35 divide among themselves, in proportion to the Amount of Rate to which they may respectively be assessed, the carrying of the Material which may be required by the said Surveyor for the Repairs of the Highways within such Parish, and that they shall be paid by the said Surveyor for such carrying or Taskwork, within One Calendar 40 Month after having performed such Service, after such Rate per Cubic Yard of Material per Mile, and so in proportion for any less Distance

Distance than a Mile, as shall be fixed by the Justices at their First Meeting in Special Sessions for the Highways after the Twenty-fifth Day of March in every Year, which Rate the said Justices are hereby required to fix at such Special Sessions: Provided always, that such carrying or Taskwork shall be performed at such Times and Places and in such Manner as the said Surveyor may direct (the Periods of Spring, Seed Time, and Harvest always excepted); and that in case the said Surveyor shall not approve of the Manner in which such carrying or Taskwork shall be performed, it shall be lawful for the Justices at a Special Sessions for the Highways to hear the Complaint of such Surveyor in that respect, and to award such pecuniary Redress or Forfeiture against the Party offending as to them shall appear reasonable.

15 LVII. The Surveyor of any Parish, the Consent of the Majority of the Inhabitants in Vestry assembled being first had and obtained, may from Time to Time appoint any Number of Collectors of the said Rates, and may remove any such Collector, and appoint another in his Stead, and make such Allowance to such Collector, out of the Monies to be received under this Act, as the said Inhabitants in Vestry assembled shall think reasonable; and the said Collector is hereby declared to have all the same Powers, Remedies, and Privileges for the levying and enforcing the Payment of such Rates as the Surveyor nominated or appointed under the Authority of this Act.

Rate Collector.
Surveyor,
with Consent
of Vestry,
may appoint
Collector of
Rates.
5 & 6 W. 4.
c. 60. s. 36.

25 LVIII. It shall be lawful for the said Surveyor and he is hereby required to take Security from every Collector appointed by virtue of this Act for the due Execution of his Office of Collector, which Security shall be to the full Amount of the Sum likely to be in the Hands of the said Collector at any One Time, and shall be by Bond, without Stamp.

*Security to
be taken
from
Collector.*
Id. s. 37.

LIX. Every Collector appointed by virtue of this Act shall, under his Hand, and at such Time and in such Manner as the Surveyor may direct, deliver to the said Surveyor as aforesaid true and perfect Accounts in Writing of all Monies which shall have been by such Collector received by virtue of this Act, and also a List of the Names of all such Persons as shall have neglected or refused to pay their respective Rates, and of the Monies due from them respectively; and that every such Collector shall pay all such Monies as shall remain due from him to the said Surveyor as aforesaid; and if any such Collector shall refuse or neglect to make and render such Account, or to produce and deliver up the List of Persons neglecting and refusing to pay their Rates as aforesaid, or to make Payments as aforesaid,

*Collector to
make out
Accounts of
all Monies
received
under this
Act, &c.*
Id. 38.

or shall refuse or wilfully neglect to deliver to the said Surveyor as aforesaid, or to such Person as he shall appoint to receive the same, within Three Days after being thereunto required by the said Surveyor as aforesaid, by Notice in Writing under his Hand, given to or left at the usual Place of Abode of such Collector, all Books, 5 Papers, and Writings in his Custody or Power relating to the Execution of this Act, or to give Satisfaction to the said Surveyor as aforesaid respecting the same, then and in every such Case, upon Complaint made by the said Surveyor as aforesaid of any such Refusal or wilful Neglect as aforesaid, to any Justice of the Peace, 10 such Justice may and he is hereby authorized and required to issue a Summons under his Hand for the Collector so refusing or neglecting to appear before any Two Justices of the Peace; and upon the said Collector appearing, or having been so summoned and not appearing, without some sufficient or reasonable Excuse, or not being found, it shall be lawful for the said Two Justices to hear and determine the 15 Matter; and if, upon Confession of the Party, or by the Testimony of any credible Witness on Oath, it shall appear to such Justices that any Monies remain due from such Collector, such Justices may and they are hereby authorized and required, upon Nonpayment thereof, by Warrant under their Hands to cause such Money to be levied by 20 Distress and Sale of the Goods and Chattels of such Collector; and if no Goods and Chattels of such Collector shall be found sufficient to answer and satisfy the said Money, and the Charges of distraining and selling the said Goods and Chattels, then and in every such Case such Justices shall and they are hereby required to commit such 25 Offender to the Common Gaol or House of Correction for the County, City, or Place where such Offender shall be or reside, there to be kept to Hard Labour for a Period not exceeding Six Calendar Months, or until he shall have paid such Monies as aforesaid, or compounded with the Surveyor as aforesaid for such Money, which Composition the said Surveyor, with the Consent of the Inhabitants in Vestry, or 30 in any Parish where they do not meet in Vestry with the Consent of the Inhabitants contributing to the Highway Rate at a Public Meeting assembled, is hereby empowered to make and receive; or if it shall appear to such Justices that such Collector had refused or wilfully neglected to render and give such Accounts, or to produce 35 and deliver the List of Persons neglecting or refusing to pay their Rates as aforesaid, or that any Books, Papers, or Writings relating to the Execution of this Act remained in the Hands or in the Custody or Power of such Collector, and he refused or wilfully neglected to deliver or give Satisfaction respecting the same as aforesaid, then and 40 in every such Case such Collector shall, on Conviction thereof, forfeit for such Offence any Sum not exceeding Twenty Pounds, and in default of Payment thereof shall be committed to the Common Gaol
or

or House of Correction for the County, City, or Place where such Offender shall be or reside, there to be kept to Hard Labour for a Period not exceeding Four Calendar Months, or until he shall have given a true and perfect Account as aforesaid, and delivered such

5 List as aforesaid, and delivered up such Books, Papers, and Writings, or give Satisfaction in respect thereof to the said Surveyor: Provided always, that no Conviction or Imprisonment of such Collector as aforesaid shall exonerate or discharge any Security taken from him on his Appointment as aforesaid.

- 10 LX. The Surveyor in every Parish shall keep separate and distinct Accounts of the Monies levied for the Highway Rate; and such Accounts shall specify the different Sums, and the Times when and the Persons to whom and by whom the same shall have been collected and paid.

Separate
Accounts to
be kept.
Id. s. 39.

- 15 LXI. The said Surveyor, District Surveyor, or Assistant Surveyor, as the Case may be, shall be and he is hereby required from Time to Time to keep a Book, in which shall be entered a just and true and particular Account of all Money which shall have come to his Hands as Surveyor, District Surveyor, or Assistant Surveyor of the Parish
- 20 for the Purposes of this Act, and to whom, and on what Occasion, and for what Work, and in what Place, and on what Day he shall have paid or applied the same, and also an Account of all Tools, Materials, Implements, and other Things provided by him for the Repair of the said Highways; and such Book shall at all reason-
- 25 able Times be open to the Inspection of every Inhabitant rated to the Highway Rate of the Parish, or of any of the Parishes united into a District, without Fee or Reward, and every such Inhabitant may take Copies or Extracts from the said Book or any Part thereof, without paying for the same; and in case the said Surveyor, District Sur-
- 30 veyor, or Assistant Surveyor shall neglect to provide such Book, or to enter therein every Sum received or paid by him within One Week after the same shall have been received or paid, or shall refuse to permit or shall not permit any such Inhabitant as aforesaid at any reason-
- 35 able Time to inspect the same, or take Copies or Extracts as aforesaid, such Surveyor, District Surveyor, or Assistant Surveyor shall forfeit and pay any Sum not exceeding Five Pounds for each Default, to be levied and applied in manner herein provided.

Surveyor's
Accounts, &c.
Surveyor to
keep Books,
and Account
of Monies,
&c.
Id. s. 40.

To be open
to Inspection
of rated
Inhabitants.

- LXII. All the said Books, Papers, Writings, and Accounts, and all Materials, Tools, and Implements which shall be provided in pur-
- 40 suance of this Act for repairing or preserving the Highways, and also the Scrapings of the said Highways, shall be vested in the Surveyor for the Time being; or, in case a District Surveyor shall be appointed,

The Pro-
perty in all
Books, &c.
to be vested
in Surveyor
for the Time
being.
Id. s. 41.

then all such Books, Papers, Writings, and Accounts, and all Materials, Tools, Implements, and Scrapings, shall be vested in the District Surveyor.

Surveyor, on
quitting
Office, to
deliver
Books, &c. to
succeeding
Surveyor.
Id. s. 42.

Penalty for
Neglect.

LXIII. The said Surveyor, District Surveyor, or Assistant Surveyor shall within Fourteen Days after leaving his Office deliver such 5 Books and Accounts, verified as herein directed, together with all such Sums of Money as shall be due from him, and likewise all Tools, Materials, Implements, and other Things as aforesaid, to his Successor in Office, or retain the same in his Hands, and account for them in his next Account, if he shall be continued Surveyor or District Surveyor 10 of such Parish in the succeeding Year; and in case such Surveyor or District Surveyor shall neglect to deliver within such Time as aforesaid the said Books, Papers, Writings, and Accounts, and such Tools, Materials, Implements, and other Things, in manner aforesaid, he shall for every such Offence forfeit any Sum not exceeding Five Pounds; 15 and in case he shall make default in the paying or accounting for the Money so due from him within the Time and according to the Directions aforesaid, he shall forfeit double the Money so due.

In case of
Death of
Surveyor,
Executors to
account.
Id. s. 43.

LXIV. In case of the Death of any such Surveyor, District Surveyor, or Assistant Surveyor before he shall have paid and fully 20 satisfied all the Monies which he shall have received by virtue of this Act, then and in every such Case the Executors or Administrators of such Surveyor, District Surveyor, or Assistant Surveyor so dying shall pay and satisfy the same out of his Estate and Effects, unto the succeeding Surveyor, District Surveyor, or Assistant Surveyor, in like 25 Manner as other Debts are directed by Law to be discharged by such Executors or Administrators, and also shall deliver up all Books, Papers, Writings, Assessments, Tools, Materials, and Implements and other Things concerning his Office which shall have come to the Hands of such Executors or Administrators, who shall and may plead 30 such Payment in any Action or Suit which may be brought against them on account of the said Estate and Effects, and give the same in Evidence; and in case of the Nonpayment of such Monies, or the Nondelivery of such Books, Papers, Writings, Assessments, Tools, Materials, Implements, and Things, for the Space of One Calendar 35 Month after Demand made thereof in Writing by or on behalf of the said succeeding Surveyor, it shall be lawful for the said succeeding Surveyor to commence and prosecute an Action or Actions in any of Her Majesty's Courts of Record at Dublin against such Executors or Administrators, for the Recovery of the said Monies, or for the Reco- 40 very of Damages for the Detention of such Books, Papers, Writings, Assessments, Tools, Materials, Implements, and Things, in which Action or Actions full Costs of Suit shall be recovered by the said succeeding Surveyor.

LXV. Within

- LXV. Within Fourteen Days after the Election or Appointment of Surveyor as herein directed, the Accounts as aforesaid made in Writing, and signed by the Surveyor, District Surveyor, or Assistant Surveyor for the Year preceding, of all Motes received and disbursed by virtue of this Act, ending on the Day of the Election or Appointment of Surveyor, shall be made up, balanced, and laid before the Parishioners in Vestry assembled, who may, if they think fit, order an Abstract thereof to be printed and published; and within One Calendar Month after the Election or Appointment of Surveyor as herein directed the said Accounts shall be signed by the Surveyor, District Surveyor, or Assistant Surveyor for the Year preceding, and laid before the Justices of the Peace at a Special Sessions for the Highways holden at the Place nearest to the Parish or District for which such Surveyor shall have been appointed, and such Justices are hereby authorized and required to examine him as to the Truth of the said Accounts, or of any Charge contained therein: Provided always, that if any Person chargeable to the Rate authorized to be made by this Act has any Complaint against such Accounts, or the Application of the Motes received by the said Surveyor, it shall be lawful for any such Inhabitant to make his Complaint thereof to such Justices at the Time of the Verification of such Accounts as aforesaid; and the said Justices are hereby required to hear such Complaint, and, if they shall think fit, to examine such Surveyor upon Oath, and to make such Order thereon as to them shall seem meet.

Yearly Accounts to be made by Surveyors, &c., and laid before the Justices at a Special Sessions for the Highways.
Id. s. 44.

Subject to Appeals.

- LXVI. It shall and may be lawful for the Justices of the Peace within their respective Divisions, or any Two or more of them, and they are hereby required, to hold not less than Eight nor more than Twelve Special Sessions in every Year for executing the Purposes of this Act, the Days of the holding thereof to be appointed at a Special Sessions to be held within Fourteen Days after the Twentieth Day of March in every Year: Provided always, that it shall not be necessary to cause any Notice to be given or sent to any Justice acting and residing within such Limits of the Day or Time of the holding thereof; and at the said Special Sessions held next after the Twentieth Day of March in every Year the Surveyor of each of the Parishes within their respective Divisions shall verify his Accounts, and shall make a Return in Writing to such Special Sessions of the State of all the Roads, common Highways, Bridges, Causeways, Hedges, Ditches, and Watercourses appertaining thereto, and of all Nuisances and Encroachments, if any, made upon the several Highways within the Parish for which he was Surveyor, as well as the Extent of the different Highways which the said Parish is liable to repair, what Part thereof has been repaired, and with what Materials,

Special Sessions.

Justices to hold Special Sessions for the Purposes of this Act.
Id. s. 45.

At such Session, Surveyor to verify Accounts, and make Return of the State of the Roads, &c.

at what Expense, and what was the Amount levied during the Time he was Surveyor of the said Parish.

Justices to
appoint a
Time and
Place for the
Surveyors of
the High-
ways to de-
liver Returns
to the Just-
ices stated
in the an-
nexed Sched-
ule (A.),
and to give
Notice to
them to make
such Returns
to the Con-
stables, re-
quiring their
Attendance
at such
Meetings.
2 & 3 Vict.
c. 40. s. 1.

LXVII. The several Justices of the Peace within their respective Divisions and Jurisdictions shall and they are hereby required to appoint a Time and Place or Times and Places, which Time or Times shall be on or before the Twentieth Day of November One thousand eight hundred and , for the Surveyors of the Highways of the several Parishes, and also of the several Townships, Places, or Divisions which repair their own Highways, and for the Surveyors of the Highways of any former Year if necessary, to deliver to them respectively the Returns to the several Matters and Things in this Act contained, and stated in the Schedule (A.) to this Act annexed; and Two or more of the said Justices shall and they are hereby required to cause Notice to be given to such Surveyors of the Highways, or to the Person or Persons, Trustee or Trustees, exercising the Duties of the Office of Surveyor of the Highways, to make such Returns respectively within their respective Jurisdictions, and also to the High Constables, and where there are no High Constables to such other proper Officers who have the Execution of Precepts from Justices of the Peace within such respective Jurisdictions, at least Six Days before the Day of such Meeting or Meetings respectively, requiring their Attendance at such Meeting or Meetings for the Purposes of this Act.

Justices to
receive Re-
turns, and
examine
Officers to
the Truth,
and attest
the same.
12. a. 2.

LXVIII. Any Two or more of the said Justices shall and may and they are hereby authorized and required, at such Meeting or Meetings so to be appointed as aforesaid, to receive and take the Returns to be made by the Surveyors of the Highways as aforesaid in Writing signed by themselves, pursuant to the Directions of this Act, and then and there administer to them respectively the Declarations contained in this Act; and such Justices are hereby authorized, if they shall see Cause, to take the Declaration of such Surveyors of the Highways touching any of the Matters contained in such Returns respectively, and to call for the original Accounts of such Surveyors of the Highways, if they shall see fit, in order to explain and verify the said Returns as shall then be made; and the said Justices shall sign and attest such Returns at the Foot of the same, without Fee, when on Inspection the same shall appear to them to be complete, and deliver such Returns so signed and attested to the respective High Constables or other proper Officers as aforesaid, in order that the same may be by them transmitted to the Clerks of the Peace or Town Clerk, as herein is directed.

LXIX. The

- LXIX. The said High Constables or other proper Officers within the respective Jurisdictions as aforesaid shall, at the Michaelmas Quarter Sessions of the Peace in the Year One thousand eight hundred and , (or as soon thereafter as may be,) receive from the said Clerks of the Peace or Town Clerks printed Copies of the Schedule (A.) to this Act annexed, and forthwith deliver or cause to be delivered out One Copy of such Schedule to One of the then Surveyors of the Highways of every Parish, Township, or Place within their respective Limits, as well within Towns Corporate as without, and, when required by the respective Justices of the Peace as aforesaid, attend the said Meeting or Meetings, and then and there receive the several Returns made by the said Surveyors of the Highways, and endorse upon the Back of each of them the Name of the Hundred, Rape, Wapentake, Lath, Precinct, Soke, Franchise, Liberty, City, or Town Corporate wherein the said Parish, Township, or Place therein mentioned is situate, and deliver or transmit the same, together with a true and perfect List of every Parish, Township, and Place, and also of the Surveyors of the Highways to whom such Schedule shall have been delivered as aforesaid, to the several Clerks of the Peace and Town Clerks at the Epiphany Quarter Sessions of the Peace to be holden in the Year One thousand eight hundred and , or some Adjournment or Adjournments thereof, (which Adjournment and Adjournments the Justices at such Quarter Sessions are required to make to some convenient Day within Twenty Days after the said Epiphany Quarter Sessions in the Year One thousand eight hundred and , and from Time to Time as often as shall be necessary to some other convenient Days within Ten Days from the preceding Day of Adjournment, in all Cases where such Returns shall not be made at the said Epiphany Quarter Sessions, and until full and complete Returns shall be made,) upon pain of Forfeiture for every Default and Neglect in the Matters aforesaid a Sum not exceeding Ten Pounds nor less than Five Pounds, at the Discretion of the Justice or Justices of the Peace before whom Complaint thereof shall be made.
- LXX. The Surveyors of the Highways in every such Parish, Township, and Place shall and they are hereby required to attend the Justices of the Peace at such Meeting or Meetings which shall be so appointed, and then and there deliver to the said Justices, in Writing signed by them, a just and true Account as herein directed (according to their Knowledge of the same) of the estimated Extent of public Highways or Roads used for Wheel Carriages, computing the aggregate Length of such Highways in Statute Miles of Seventeen hundred and sixty Yards to a Mile, distinguishing Streets or Roads paved or repaired under any Local Act, and Turnpikes, if any, within their
- Constables to receive from the Clerks of the Peace Copies of the Schedule (A.), and deliver them to the Surveyors; and to attend the Meetings, and receive and transmit the Returns, &c. to the Clerks of the Peace.
Id. s. 3.
- Surveyors of the Highways to attend also, and deliver the Accounts herein required.
Id. s. 4.

their respective Districts, Parishes, Townships, or Places, and also Accounts, as nearly as the same can be ascertained, of all and every the Sum or Sums raised and expended by them for or on account of the Highways within their respective Districts, Parishes, Townships, or Places for the several Years ending in March One thousand eight hundred and , One thousand eight hundred and , and One thousand eight hundred and , and also the Amount in the Pound at which the Highway Rate was assessed, according to the different Heads of Disbursements described in the Questions of the Schedule (A.) to this Act annexed, and shall respectively fill up the Blanks and other Spaces in such Schedule, and the several Matters required to be therein returned, according to the Truth of the Case, and shall also at the same Time produce to the said Justices, if required, the Accounts of all Money received and expended on the Highways, for their Inspection and Examination; and that every Surveyor of the Highways making default in any of the Matters hereby required shall for every such Neglect or Default forfeit a Sum not exceeding Ten Pounds nor less than Five Pounds, at the Discretion of the Justice or Justices before whom Complaint thereof shall be made; and in order to enable the said Surveyors of the Highways to make Answers and Returns as aforesaid they are hereby authorized and empowered to call for, inspect, and take Copies of the Accounts of the Surveyors of the Highways for each of the Years ending in March One thousand eight hundred and , One thousand eight hundred and , and One thousand eight hundred and , or so much thereof as shall be necessary, in whose Hands soever they shall happen to be; and every Person or Persons in whose Custody or Power every such Account or Accounts shall be shall and they are hereby required to produce and deliver such respective Accounts to the said Surveyors of the Highways for the Purposes aforesaid, upon the Pain of forfeiting for every Default or Neglect in the Premises a Sum not exceeding Ten Pounds nor less than Five Pounds, at the Discretion of the Justice or Justices before whom Complaint thereof shall be made.

Penalty on
Officers
making false
Returns.
Id. s. 6.

LXXI. If any Surveyor of the Highways required to make any such Return or Returns as aforesaid shall conceal any Matter or Matters directed to be inquired into by the said Schedules or either of them, or shall knowingly or wilfully make a false or imperfect Return, every such Surveyor or Clerk shall for every such Offence forfeit the Sum of Fifty Pounds, to be recovered, by Action of Debt, Bill, Plaint, or Information, in any of Her Majesty's Courts of Record at Dublin.

LXXII. Any

LXXII. Any Justice of the Peace aforesaid before whom any Return shall be made in pursuance of this Act by any Surveyor of the Highways shall and he is hereby empowered and required to administer to such Surveyor of the Highways the following Declarations; *videlicet*, Justice to administer Declarations to Surveyors. Id. s. 8.

5 tions; *videlicet*,

‘ YOU do solemnly and sincerely declare, That the Return made by you contains, to the best of your Knowledge and Belief, a full and true Answer to the Questions contained in the Schedule (A.) of the Act, intituled “The General Highway Act (Ireland), 1853;” and you make this solemn Declaration conscientiously believing the same to be true, and by virtue of the Provisions of an Act made and passed in the Fifth and Sixth Years of the Reign of His late Majesty King William the Fourth, intituled “An Act to repeal an Act of the present Session of Parliament, intituled “An Act for the more effectual Abolition of Oaths and Affirmations taken and made in various Departments of the State, and to substitute Declarations in lieu thereof, and for the more entire Suppression of voluntary and extrajudicial Oaths and Affirmations;” and to make other Provisions for the Abolition of unnecessary Oaths.”’ Forms of Declaration. Id.

20 ‘ YOU do solemnly and sincerely declare, That you will true Answer make to all such Questions as shall be demanded of you touching these your Returns relative to the Highways of the Parish [or Township] of as far as the same is within your Knowledge.’

25 LXXIII. In case any Person or Persons shall wilfully and corruptly make a false Declaration touching any of the Matters contained in this Act, every such Person or Persons offending shall be deemed guilty of a Misdemeanor. Making false Declaration a Misdemeanor. Id. s. 9.

LXXIV. A sufficient Number of printed Copies of this Act, and also of the Schedule (A.) herewith annexed, shall, as soon as conveniently may be after the passing of this Act, be transmitted by Her Majesty's Printer to the Clerks of the Peace of the several and respective Counties, Ridings, Divisions, Precincts, Sokes, Franchises, and Liberties in Ireland; and that the said several Clerks of the Peace shall and they are hereby required, at the Michaelmas Quarter Sessions One thousand eight hundred and , to cause the said Copies to be distributed among all and every the acting Justices within their respective Limits, and also a sufficient Number of the Schedule (A.) to this Act annexed to be delivered to the High Constables or other proper Officers who have the Execution of Precepts from such Justices within their respective Limits; and the said Clerks of the Peace shall also receive the Returns to, be made pursuant

pursuant to the Directions herein given, and transmit the same, with a List thereof (and also another List therewith of Parishes or Places not having made due Returns), to One of Her Majesty's Principal Secretaries of State within Thirty Days after the respective Epiphany Quarter Sessions, in order that an Abstract of the same may be made 5 and presented to both Houses of Parliament, upon pain of forfeiting for every Neglect and Default a Sum not exceeding Ten Pounds nor less than Five Pounds, at the Discretion of the Justice or Justices before whom Complaint thereof shall be made.

Clerks to Justices at Special Sessions to prepare Statements from Accounts of Surveyors of Highways, and transmit them to Secretary of State.

LXXV. At the Special Sessions in each Division at which the 10 Accounts of any Surveyors, District Surveyors, and Assistant Surveyors shall be produced and verified as aforesaid the Clerk to the Justices shall prepare from such Accounts a separate Statement in Writing, according to the Form in the Schedule to this Act, of the Receipts and Expenditure on account of the Highways of each 15 Parish in such Division, and shall, within Fourteen Days after such Special Sessions, transmit all such Statements to One of Her Majesty's Principal Secretaries of State; and for the Preparation and Transmission of each such Statement such Clerk shall be entitled to charge to the respective Parish the Fee of Two Shillings; and if any 20 such Clerk to such Justices shall neglect to transmit any such Statement within the Time herein-before prescribed for that Purpose, he shall for every such Offence, on Conviction, forfeit any Sum not exceeding Five Pounds nor less than Forty Shillings, and such 25 Penalty shall be recovered and applied as Penalties are by the said Act made recoverable and applicable.

Penalty on Neglect.
12 & 13 Vict.
c. 35. s. 1.

Abstract of Statements to be laid before Parliament.

LXXVI. Such Secretary of State shall every Year cause the Statements transmitted to him under this Act to be abstracted, and the Abstracts thereof to be laid before both Houses of Parliament.

Id. s. 3.

Contracts for Materials.

Surveyor may contract for getting and carrying Materials; but not to share in any Contract or let to hire any Team, or dispose of any Timber, Stones, &c. without Licence from Two Justices.

LXXVII. In every Parish the Surveyor may and is hereby autho- 30 rized, with the Consent of the Inhabitants in Vestry assembled, to contract for purchasing, getting, and carrying the Materials required for the Repair of the Highway; and if any Surveyor shall have any Part, Share, or Interest, directly or indirectly, in any Contract or Bargain for Work or Materials to be made, done, or provided upon, 35 for, or on account of any of the Highway or other Works whatsoever under his Care or Management, or shall, upon his own Account, directly or indirectly, use or let to Hire any Team, or use or sell or dispose of any Materials to be used or employed in making or repairing such Highway or other Works as aforesaid, (unless a 40 Licence in Writing for the Sale of any such Materials, or to let to hire any such Team, be first obtained from Two Justices of the Peace in

in Special Sessions assembled,) he shall forfeit for every such Offence, on Conviction, any Sum not exceeding Ten Pounds, and be for ever after incapable of being employed as a Surveyor with a Salary under the Authority of this Act.

5 & 6 W. 4.
c. 50, s. 46.
Penalty.

- 5 LXXVIII. If any Person shall, without the Consent of the Surveyor, take away Materials which shall have been purchased, gotten, dug, or gathered for the Repair or Use of any Highway, or any Materials out of any Quarry which shall have been made, dug, or opened for the Purpose of getting Materials for any Highway,
10 before the Surveyor and his Workmen shall have discontinued working therein for the Space of Six Weeks (except the Owner of any private Grounds, and Persons authorized by such Owner to get Materials in such Quarry for his own private Use, and not for Sale), every Person so offending shall for every such Offence forfeit and
15 pay, on Conviction thereof, any Sum not exceeding Ten Pounds.

Highway Materials.
Penalty on taking away Materials belonging to Surveyor.
Id. s. 47.

- LXXIX. And whereas Parcels of Land may be allotted to or belong to Parishes or to the Surveyor of the Highways for the Purpose of obtaining Materials for the Repair of the Highways in such Parish, and the Materials in such Parcels of Land may be
20 exhausted: Be it therefore enacted, That in such Cases it shall and may be lawful for the Surveyor of such Parish for the Time being, by and with the Consent of the Vestry, and he is hereby authorized and required, with the Consent in Writing of the Justices of the Peace at a Special Sessions for the Highways, to sell and convey to
25 some Person whose Lands adjoin thereto, or, if he refuse to purchase, to any other Person, the said Parcels of Land from which the said Materials shall have been so exhausted as aforesaid, at and for such Price as the said Justices may deem fair and reasonable, and with the Money arising therefrom, and with such Consent as aforesaid, to
30 purchase other Lands in lieu thereof.

Land allotted to the Parish for Materials, when exhausted, may be sold.
Id. s. 48.
5 & 6 Vict. c. 71.

- LXXX. It shall be in the Power of Tenants for Life, Ecclesiastical and Lay Corporations, and the Proprietors of entailed Estates, and of the Trustees and Guardians of any Person under any legal Disability or Incapacity, to give up and renounce every Claim of
35 Damage or Compensation for such Ground and Materials as any Highway may occupy on their respective Properties, and that such Renunciation shall be equally binding on the Heirs and Successors of such Persons: Provided nevertheless, that such Renunciation of Claim of Damage or Compensation be in Writing, and signed by such
40 Tenant for Life, Proprietor, Trustee, or Guardian, in the Presence of Two Witnesses, or in the Case of Corporations in such Manner and Form as is usually adopted by such Corporations respectively; and

Feeble Lands.
Tenant for Life, &c. may renounce Damages.
5 & 6 W. 4.
c. 50, s. 49.

such Renunciation shall be enrolled at the Quarter Sessions which shall be held next after the signing or Execution thereof.

Persons
entitled
with Lands
for Maintenance
of
Highways,
&c. shall let
them to farm
at the most
improved
Value, with
Consent of
Justices.
Id. s. 60.

LXXXI. When any Lands or Tenements have been or shall be given for Maintenance of Highways, the Profits and Proceeds of which are to be applied and disposed of for no other Use, Intent, or Purpose whatsoever, all Persons who are or shall be entitled or trusted with any such Lands or Tenements shall and they are hereby authorized and required to let them to farm at the most improved yearly Value, without Fine, for any Term not exceeding Ninety-nine Years: Provided nevertheless, that previous to the granting of such Lease the Consent of the Justices at a Special Sessions for the Highways, neither of such Justices being interested therein, by Writing under their Hands, shall be obtained as to the Amount of Rent to be received and the Duration of the Term.

Materials.
Materials
where and in
what Manner
to be taken
by Sur-
veyors.
Id. s. 61.

LXXXII. It shall and may be lawful for every such Surveyor in any Waste Land or Common Ground, River, or Brook within the Parish for which he shall be Surveyor, or within any other Parish wherein Gravel, Sand, Stone, or other Materials are respectively likely to be found (in case sufficient cannot be conveniently had within the Parish where the same are to be employed, and sufficient shall be left for the Use of the Roads in such other Parish), to search for, dig, get, and carry away the same, so that the said Surveyor doth not thereby divert or interrupt the Course of such River or Brook, or prejudice or damage any Building, Highway, or Ford, nor dig or get the same out of any River or Brook within the distance of One hundred and fifty Feet above or below any Bridge, nor within the like Distance of any Dam or Wear, and likewise to gather Stones lying upon any Lands or Grounds within the Parish where such Highway shall be, for such Service and Purpose, and to take and carry away so much of the said Materials as by the Discretion of the said Surveyor shall be thought necessary to be employed in the Amendment of the said Highways, without making any Satisfaction for the said Materials, but Satisfaction shall be made for all Damages done to the Lands or Grounds of any Person or Persons by carrying away the same, in the Manner herein-after directed for getting and carrying Materials in inclosed Lands or Grounds; but no such Stones shall be gathered without the Consent of the Owner of such Lands or Grounds, or a Licence for that Purpose from Two Justices at a Special Sessions for the Highways, after having summoned such Owner to come before him, and heard his Reasons, if he shall appear and give any, for refusing his Consent.

Power to
gather
Stones with-
out making
Satisfaction,
but Satisfac-
tion to be
made for
Damages
done by
carrying
them away.

LXXXIII. Pro-

LXXXIII. Provided always, That nothing in this Act contained relative to the gathering or getting of Stones or other Materials shall extend to any Quantity of Stones or other Materials thrown up by the Sea, commonly called Beach, where the Removal of the same would
 5 cause any Damage or Injury by Inundation to the Lands adjoining, or increased Danger of Encroachment by the Sea.

Not to extend to Sea Beach, &c.
 Id. s. 53.

LXXXIV. It shall not be lawful for any Surveyor, or any other Person acting under the Authority of this Act, to dig, gather, get, take, or carry away any Materials for making or repairing
 10 any Highway out of or from any inclosed Land or Ground until One Calendar Month's Notice in Writing, signed by the Surveyor, shall have been given to the Owner of the Premises from which such Materials are intended to be taken, or to his known Agent, and to the Occupier of the Premises from which such Materials
 15 are intended to be taken, or left at the House or last or usual Place of Abode of such Owner or Agent, and also of such Occupier, to appear before the Justices at a Special Sessions for the Highways, to show Cause why such Materials shall not be had therefrom; and in case such Owner, Agent, or Occupier shall attend pursuant to such
 20 Notice, but shall not show sufficient Cause to the contrary, such Justices shall, if they think proper, authorize such Surveyor or other Person to dig, get, gather, take, and carry away such Materials at such Time or Times as to such Justices shall seem proper; and if such Owner, Agent, or Occupier shall neglect or refuse to
 25 appear by himself or his Agent, the said Justices shall and may (upon Proof on Oath of the Service of such Notice) make such Order therein as they shall think fit, as fully and effectually, to all Intents and Purposes, as if such Owner or Occupier, or his Agent, had attended.

Notice to be given before Materials are taken from private Lands.
 Id. s. 54.

If the Occupier shows Cause against the Removal, Two Justices shall decide thereon.

LXXXV. It shall be lawful for every such Surveyor, for the Use aforesaid, by Licence in Writing from the Justices at a Special Sessions for the Highways, to search for, dig, and get Materials, if sufficient cannot be had conveniently within such Waste Lands, Common Grounds, Rivers, or Brooks, in or through any of the several or
 35 inclosed Lands or Grounds of any Person whomsoever (such Lands or Grounds not being a Garden, Yard, Avenue to a House, Lawn, Park, Paddock, or inclosed Plantation, or inclosed Wood not exceeding One hundred Acres in Extent,) within the Parish where the same shall be wanted, or within any other Parish adjoining or
 40 lying near to the Highway for which such Materials shall be required, if it shall appear to such Justices that sufficient Materials cannot be conveniently had in the Parish where such Highways lie, or in the Waste Lands or Common Grounds, Rivers, or Brooks of such adjacent

If sufficient Materials cannot be found in Waste Lands, &c., Surveyor may take them from inclosed Lands or Grounds, making Satisfaction to the Owner.
 Id. s. 54.

Parish, and that a sufficient Quantity of Materials will be left for the Use of the Parish where the same shall be, and to take and carry away so much of the said Materials as by the Discretion of the said Surveyor shall be thought necessary to be employed in the Amendment of the said Highways, the said Surveyor making 5 such Satisfaction for the Materials which may be got or taken away, and also for the Damage done to such Lands or Grounds by the getting and carrying away the same, as shall be settled and ascertained by Order of the Justices at a Special Session for the Highways.

10

1 & 5 Vict.
c. 61.

LXXXVI. Provided always, That all Lands and Grounds which shall be in the exclusive Occupation of One or more Persons for agricultural Purposes shall be deemed to be inclosed Lands or Grounds within the Meaning of this Act, although the same may not be separated from any adjoining Lands or Grounds of other Persons, 15 or from the Highway, by any Fence or other Inclosure.

If Surveyor shall make Pits or Holes in getting Materials, he shall cause them to be filled up or sloped down and fenced off;

4 & 5 W. 4.
c. 50. s. 65.

and in like Manner all those already made.

Penalties on Surveyor for Neglect herein.

LXXXVII. If any Surveyor or Person employed by him shall, by reason of the searching for, digging, or getting any Materials for repairing any Highways, make any Pit or Hole in Lands, Common Grounds, Rivers, or Brooks, as aforesaid, wherein such Materials shall 20 be found, he shall forthwith cause the same to be sufficiently fenced off, and such Fence supported and repaired, during such Time as the said Pit or Hole shall continue open, and within Three Days after such Pit or Hole shall be opened or made, where no Materials shall be found, cause the same to be forthwith filled up, levelled, 25 and covered with the Turf or Clod which was dug out of the same, and where any such Materials shall be found, within Fourteen Days after having dug up sufficient Materials in such Pit or Hole, cause the same to be filled up or sloped down and fenced off, if required by the Owner of the Land or Ground, and so continued; 30 and every Surveyor shall, within Twenty-one Days after he shall have been appointed to that Office, cause all the said Pits and Holes which shall then be open, and not likely to be further useful, to be filled up or sloped down in manner aforesaid, and if they are likely to be further useful he shall secure the same by Posts and Rails or other 35 Fences, to prevent Accidents to Persons or Cattle; and in case such Surveyor or Person shall neglect to fill up, slope down, or fence off such Pit or Hole in manner and within the Time aforesaid, he shall forfeit the Sum of Ten Shillings for every such Default; and in case such Surveyor or Person shall neglect to fence off such Pit or Hole, 40 or to slope down the same, as herein-before directed, for the Space of Six Days after he shall have received Notice for either of those Purposes from any Justice of the Peace, or from the Owner or Occupier

- Occupier of such several Ground, River, or Brook, or any Person having Right of Common within such Common or Waste Lands as aforesaid, and such Neglect and Notice shall be proved upon Oath before the Justices at a Special Sessions for the Highways, such
- 5 Surveyor, Person or Persons, shall forfeit and pay any Sum not exceeding Ten Pounds for such Neglect, to be determined and adjudged by such Justices, and to be laid out and applied in the fencing off, filling up, or sloping down such Pit or Hole, and toward the Repair of the Roads in the Parish where the Offence shall be
- 10 committed, in such Manner as the said Justices shall direct and appoint; which Forfeiture, in case the same be not forthwith paid, shall be levied as other Forfeitures are herein-after directed to be levied.

- LXXXVIII. If any Surveyor or District Surveyor shall lay or
- 15 cause to be laid any Heap of Stone or any other Matter or Thing whatsoever upon any Highway, and allow the same to remain there at Night, to the Danger or personal Damage of any Person passing thereon, all due and reasonable Precaution not having been taken by the said Surveyor to guard against the same, he shall forfeit for every
- 20 such Offence any Sum not exceeding Five Pounds.

Penalty on Surveyor allowing any Heap of Stone, &c. to remain on Highway at Night.
Id. s. 56.

- LXXXIX. If any Surveyor shall dig or cause to be dug Materials for the Highways, whereby any Bridge, Mill, Building, Dam, Highway, Occupation Road, Ford, Mines, or Tin Works, or other Work, may be damaged or endangered, he shall forfeit for
- 25 every such Offence, on Conviction, any Sum not exceeding Five Pounds, at the Discretion of the Justices before whom the Complaint thereof shall be made, notwithstanding his Liability to any Civil Action to which he may make himself liable by such Act.

Surveyor damaging Mills, Dams, &c. by digging Materials, to forfeit not exceeding 5l.
Id. s. 57.

- XC. And whereas it frequently happens that the Boundaries of
- 30 Parishes pass across or through the Middle of a common Highway, and One Side of such Highway is situated in one Parish, and the other Side in another Parish, whereby great Inconveniences often arise in repairing the same: Be it enacted, That the Justices at a Special Sessions for the Highways, on Complaint of any Surveyor of
- 35 any Parish, (stating in Writing, and on a Plan thereunto annexed, that there is such a Highway, one Side whereof ought to be repaired by one Parish, and the other Side by another, and particularly describing the same by Metes, Bounds, and Admeasurement thereof,) may issue their Summons, with a Copy of such
- 40 Writing and Plan thereunto annexed, to the Surveyor of such other Parish, to appear before them on a Day mentioned in such Summons; and if the Parties appear, such Justices may then proceed

Where a Highway lies in Two Parishes, the Justices to determine what Parts shall be repaired by each.
Id. s. 58.

finally to decide the Matter in manner herein mentioned, in case all the Parties shall consent thereto; but in case the Surveyor summoned shall not appear on such First Summons, or appearing shall require further Time, such Justices shall adjourn the further Consideration of the Matter for any further Time not more than 5 Twenty-one Days nor less than Fourteen Days from the Date of such Adjournment, of which the Surveyor not appearing, or appearing shall require further Time, shall have Notice, on which Day the said Justices shall proceed to hear the Parties and their Witnesses, and, whether the Party summoned does or does not appear, shall proceed 10 to examine and finally determine the Matter in Form following; (that is to say,) that it shall and may be lawful for such Justices and they are hereby required to divide the whole of such common Highway by a transverse Line crossing such Highway into equal Parts, or into such unequal Parts and Proportions as, in consideration 15 of the Soil, Waters, Floods, and Inequality of such Highway, or any other Circumstances attending the same, they in their Discretion shall think just and right, and to declare, adjudge, and order that the whole of such Highway on both Sides thereof in any of such Parts shall be maintained and repaired by one of such Parishes, 20 and that the whole thereof on both Sides in the other of such Parts shall be maintained and repaired by the other of such Parishes, and shall cause such their Order and a Plan of such Highway, and the Allotment thereof, as before mentioned, to be fairly delineated on Paper or Parchment, and filed with the Clerk of the Peace of the 25 County in which such Highway shall happen to lie, and shall also cause such Posts, Stones, or other Boundaries to be placed and set up in such Highway as in their Judgment shall be necessary for ascertaining the Division and Allotment thereof: Provided nevertheless, that in the Case of any such last-mentioned Highway, the 30 Repair of any Part of which belongs to any Body Politic or Corporate, or to any Person, by the reason of Tenure of any Lands, or otherwise howsoever, the same Proceedings may be adopted, but the said Body Politic or Corporate, or Person, or some one on their Behalf, may appear before such Justices, and object to such last-mentioned Proceedings, in which Case the said Justices shall, before 35 they divide such Highway as aforesaid, hear and consider the Objection so made, and determine the same.

Proviso in case of Highway repaired by Parishes, &c.

Parishes, &c. bound to repair the Part so allotted.
Ed. c. 59.

XCI. From and after such Order and Plan shall be so filed with the Clerk of the Peace as aforesaid, such Parishes and Body Politic 40 or Corporate, or Person aforesaid, respectively, shall be bound as of common Right to maintain and keep in repair such Parts of such Highways so allotted to them as aforesaid, and shall be liable to be proceeded against for Neglect of such Duty, and shall in all respects

respects whatsoever be liable and subject to all the Provisions, Regulations, and Penalties contained in this Act, and also shall be discharged from the Repair of such Part of such Highway as shall not be included in their respective Allotment.

- 5 XCII. All Costs, Charges, and Expenses to be incurred by reason of any of the Proceedings last-mentioned shall be borne and defrayed by such Two Parishes, or Body Politic or Corporate, or Person aforesaid, the same being settled and ascertained and duly apportioned between such Parishes by such Justices; and in case the
- 10 said Parties shall refuse or neglect to pay and discharge their respective Share of such Costs and Expenses, it shall and may be lawful for the Justices at a Special Sessions for the Highways to levy the same by Distress and Sale, with Costs of such Distress, on the Goods and Chattels of any Surveyor of the Parish, or of any
- 15 Body Politic or Corporate, or Person aforesaid, so refusing or neglecting to defray such Costs and Charges as aforesaid.

How Costs of Proceedings shall be defrayed, &c.
Id. s. 60.

- XCIII. Nothing herein contained shall extend or be construed to extend to affect, change, or alter in any Manner whatsoever any Boundaries of Counties, Lordships, Hundreds, Manors, or any other
- 20 Division of public or private Property, nor the Boundaries of any Parishes or Townships, otherwise than for the Purpose of amending and keeping in repair such particular Portion of the Highway in the Manner herein mentioned.

Boundary of Counties, &c. not to be changed, except for the Purpose aforesaid.
Id. s. 61.

- XCIV. Any Body Politic or Corporate, or any Person, liable to
- 25 repair any Highway by reason of Tenure of any Lands, or otherwise howsoever, or the Surveyor of the Parish in which the said Highway is situate, may, if he or either Party shall think proper, having first obtained the Consent of the Inhabitants in Vestry assembled, apply to any Justice for the Purpose of making the said Highway a Parish
- 30 Highway, and to be repaired by the Surveyor of the said Parish; and the said Justice is hereby authorized and required to issue his Summons requiring the said Surveyor, or the Party so liable to repair the said Highway as aforesaid, to appear before the Justices at the next Special Sessions for the Highways, and if both Parties appear
- 35 such Justices may then proceed to determine the Matter; but in case the Surveyor or Party summoned shall not appear on such First Summons, or appearing shall require further Time, such Justices shall adjourn the further Consideration of the Matter to the next Special Sessions for the Highways, of which the said Surveyor or Party not
- 40 appearing shall have Notice, on which Day the Justices so assembled at such Special Sessions shall proceed to hear the Parties and their Witnesses, and whether the Surveyor or Party summoned do or do

Highway repaired by Party ratione tenure, &c. may be made a Parish Highway.
Id. s. 62.

not appear shall proceed to examine and determine the Matter; and in case they decide that the said Highway shall become a Parish Highway, and be thereafter repaired by the Surveyor of the said Parish, they shall, by an Order under their Hands, fix the Proportion of the Expenses of repairing the said Highway to be annually paid 5 by such Body Politic or Corporate, or Person, as aforesaid, to the Surveyor of the said Parish; and the Order of the said Justices shall be binding on the Surveyor and the said Parish, and the said Body Politic or Corporate, or Person, as aforesaid, their Heirs, Successors, and Assigns: Provided nevertheless, that the said Justices, instead of 10 fixing the Proportion of the Expenses of repairing the said Highway to be annually paid as aforesaid, may, by an Order under their Hands, fix a certain Sum to be paid by such Body Politic or Corporate, or Person, as aforesaid, to the Surveyor of the said Parish, in full Discharge of all Claims thereafter in respect of the Repairs of such High- 15 way; and in default of Payment of such last-mentioned Sum or of such annual Sum as aforesaid the said Surveyor may proceed for the Recovery thereof in the same Manner as any Penalties and Forfeitures are recoverable under this Act: Provided always, that when the Sum so fixed to be paid in full Discharge of all Claims thereafter in respect 20 of the Repair of such Highways shall exceed the Sum of One hundred Pounds, the said Sum, when received, shall be vested, in the Name of the Minister, Churchwardens, and Surveyors of the Highways of the Parish within which such Highway shall be situate, in some Public Government Securities, and the Interest and Dividends 25 from Time to Time arising or accruing therefrom shall be applied towards the Repairs of the Highways within the said Parish: Provided also, that when the Sum so fixed to be paid in full Discharge of all Claims as aforesaid shall not exceed the Sum of One hundred Pounds, the said last-mentioned Sum, or any Part thereof, on the Application 30 by and with the Consent of the Inhabitants of the Parish in Vestry assembled, and of the Justices in Special Sessions assembled, shall and may be paid to the Surveyor of the said Parish, to be applied towards the Repair of the Highways within the said Parish.

What shall
be deemed
the Centre of
the High-
way.
Id. s. 63.

XCV. Where in this Act any Matter or Thing is directed or 35 forbidden to be done within a certain Distance of the Centre of the Highway, that Portion of Ground shall be deemed and taken to be the Highway which has been maintained by the Surveyor as Highway, and repaired with Stones or other Materials used in forming Highways, for the Six Months immediately preceeding; and the Centre of the 40 Highway shall be the Middle of such Highway, where a Line being drawn along the Highway, or a Point marked, an equal Number of Feet of Highway which have been so maintained and repaired as aforesaid

aforesaid for Twelve Months before shall be found on each Side of such Line or Mark.

XCVI. No Tree, Bush, or Shrub shall hereafter be planted on any Carriageway or Cartway, or within the Distance of Fifteen Feet from the Centre thereof, but the same shall respectively be cut down, grubbed up, and carried away by the Owner or Occupier of the Land or Soil, within Twenty-one Days after Notice to him or his Agent by the Surveyor, on pain of forfeiting for every Neglect the Sum of Ten Shillings.

No Tree, &c. allowed to be planted within Fifteen Feet of the Centre of the Carriageway. Id. s. 64.

XCVII. If the Surveyor shall think that any Carriageway or Cartway is prejudiced by the Shade of any Hedges, or by any Trees (except those Trees planted for Ornament, or for Shelter to any Hop Ground, House, Building, or Courtyard of the Owner thereof,) growing in or near such Hedges or other Fences, and that the Sun and Wind are excluded from such Highway, to the Damage thereof, or if any Obstruction is caused in any Carriageway or Cartway by any Hedge or Tree, it shall be lawful for any One Justice of the Peace, on the Application of the said Surveyor, to summon the Owner of the Land on which such Hedges or Trees are growing next adjoining to such Carriageway or Cartway, to appear before the Justices at a Special Sessions for the Highways, to show Cause why the said Hedges are not cut, pruned, or plashed, or such Trees not pruned or lopped, in such Manner that the Carriageway or Cartway shall not be prejudiced by the Shade thereof, and that the Sun and Wind may not be excluded from such Carriageway or Cartway, to the Damage thereof, or why the Obstruction caused in such Carriageway or Cartway should not be removed; and the Question as to the cutting, pruning, or plashing such Hedges, or the pruning and lopping such Trees, or the Removal of such Obstruction as aforesaid, shall, upon Proof of the Service of such Summons, and whether the said Owner attend or not, be determined at the Discretion of such last-mentioned Justices; and if such Justices shall order and direct that such Hedges shall be cut, pruned, or plashed, or such Trees pruned or lopped, in manner aforesaid, or such Obstruction removed, the said Owner shall comply therewith within Ten Days after a Copy of such Order shall have been left at the usual Place of Abode of the said Owner or of his Steward or Agent, and in default thereof shall forfeit, on Conviction, a Sum not exceeding Forty Shillings; and the said Surveyor, if the Order of the said Justices is not complied with, shall and he is hereby authorized and required to cut, prune, or plash such Hedges, and to prune and lop such Trees, for the Benefit and Improvement of the Highway, and to remove such Obstruction as aforesaid, to the

Mode of proceeding if Highway is prejudiced by Hedges, &c. Id. s. 65.

best of his Skill and Judgment, and according to the true Intent and Meaning of this Act; and the said Surveyor shall be reimbursed by the Owner as aforesaid what Charges and Expenses he shall be at in cutting, pruning, and plashing such Hedges, and pruning and lopping such Trees, and the Removal of such Obstruction, over and above 5 the said Forfeiture; and it shall and may be lawful for the Justices at a Special Sessions for the Highways, upon Proof to them made upon Oath, to levy as well the Expenses of cutting, pruning, and plashing such Hedges, or pruning and lopping such Trees, or Removal of such Obstructions as aforesaid, as the several and respective 10 Penalties hereby imposed, by Distress and Sale of the Offender's Goods and Chattels, in such Manner as Distresses and Sales for Forfeitures are authorized and directed to be levied by virtue of this Act.

Time of
cutting
Hedges and
Trees.
Id. s. 66.

XCVIII. Provided always, That no Person shall be compelled nor 15 any Surveyor permitted to cut or prune any Hedge at any other Time than between the last Day of September and the last Day of March; and that no Person shall be obliged to fall any Timber Trees growing in Hedges at any Time whatsoever, except where the Highways shall be ordered to be widened or enlarged, as herein mentioned, 20 or then to cut down or grub up any Oak Trees growing in such Highway or in such Hedges, except in the Months of April, May, or June, or any Ash, Elm, or other Trees in any other Months than December, January, February, or March.

Surveyor to
make and
keep open
Ditches, &c.,
and to lay
Trunks, &c.,
through
Lands ad-
joining
Highway,
paying for
Damage, if
any incurred.
Id. s. 67.

XCIX. The said Surveyor, District Surveyor, or Assistant 25 Surveyor shall have Power to make, scour, cleanse, and keep open all Ditches, Gutters, Drains, or Watercourses, and also to make and lay such Trunks, Tunnels, Plats, or Bridges as he shall deem necessary, in and through any Lands or Grounds adjoining or lying near to any Highway, upon paying the Owner or Occupier of such Lands 30 or Grounds, provided they are not waste or common, for the Damages which he shall sustain thereby, to be settled and paid in such Manner as the Damages for getting Materials in inclosed Lands or Grounds are herein directed to be settled and paid.

Owner, Oc-
cupier, &c.,
not to alter
such Ditches
without
Consent.
Id. s. 68.

C. If any Owner, Occupier, or other Person shall alter, obstruct, 35 or in any Manner interfere with any such Ditches, Gutters, Drains, or Watercourses, Trunks, Tunnels, Plats, or Bridges, after they shall have been made by or taken under the Charge of such Surveyor or District Surveyor, and without his Authority and Consent, such Owner, Occupier, or other Person shall be liable to reimburse all 40 Charges and Expenses which may be occasioned by reinstating and making good the Work so altered, obstructed, or interfered with, and shall

shall also forfeit any Sum not exceeding Three Times the Amount of such Charges and Expenses.

Encroachments,
&c.

Penalty for
encroaching
on Highway.
Id. s. 68.

Encroach-
ment to be
taken down
by the Sur-
veyor.

CI. If any Person shall encroach by making or causing to be made any Building, Hedge, Ditch, or other Fence on any Carriage-
5 way or Cartway within the Distance of Fifteen Feet from the Centre thereof, every Person so offending shall forfeit, on Conviction, for every such Offence, any Sum not exceeding Forty Shillings; and the Surveyor who hath the Care of any such Carriageway or Cartway shall and he is hereby required to cause such Building, Hedge,
10 Ditch, or Fence to be taken down or filled up, at the Expense of the Person to whom the same shall belong; and it shall and may be lawful for the Justices at a Special Sessions for the Highways, upon Proof to them made upon Oath, to levy as well the Expenses of taking down such Building, Hedge, or Fence, or filling up such
15 Ditch as aforesaid, as the several and respective Penalties hereby imposed, by Distress and Sale of the Offender's Goods and Chattels, in such Manner as Distresses and Sales for Forfeitures are authorized and directed to be levied by virtue of this Act.

Steam En-
gines, &c.
not to be
erected
within a
certain Dis-
tance of
Roads.
Id. s. 70.

CII. From and after the Commencement of this Act it shall not
20 be lawful for any Person to sink any Pit or Shaft, or to erect or cause to be erected any Steam Engine, Gin, or other like Machine, or any Machinery attached thereto, within the Distance of Twenty-five Yards, nor any Windmill within Fifty Yards, from any Part of any Carriageway or Cartway, unless such Pit or Shaft or Steam
25 Engine, Gin, or other like Engine or Machinery shall be within some House or other Building, or behind some Wall or Fence, sufficient to conceal or screen the same from the said Carriageway or Cartway, so that the same may not be dangerous to Passengers, Horses, or Cattle; nor shall it be lawful for any Person to make or
30 cause to be made any Fire for calcining or burning of Ironstone, Limestone, Bricks, or Clay, or the making of Cokes, within the Distance of Fifteen Yards from any Part of the said Carriageway or Cartway, unless the same shall be within some House or other Building, or behind some Wall or Fence, sufficient to screen the
35 same from the same Carriageway or Cartway as aforesaid; and in case any Person shall offend in any of the Cases aforesaid, every such Person so offending shall forfeit and pay any Sum not exceeding Five Pounds for each and every Day such Pit, Shaft, Windmill, Steam Engine, Gin, Machine, or Fire shall be permitted to continue,
40 contrary to the Provisions of this Act; which said Penalties shall be levied, recovered, and applied in such and the same Manner as any Penalty or Forfeiture for any other Offence on any Highway may be levied, recovered, and applied; provided that nothing herein

contained shall be construed to restrain any Person or Persons from using, repairing, rebuilding, or enlarging any Windmill, Steam Engine, Gin, or other like Machine, or any Kiln or other Erection used for the Purpose of calcining or burning of Ironstone, Limestone, Bricks, or Clay, or the making of Cokes, which may have been erected and 5 may be in existence at the passing of this Act.

Proprietors
of Railways
to erect
Gates, &c.
where they
cross High-
ways.
Id. s. 71.

CIII. Whenever a Railroad shall cross any Highway for Carts or Carriages, the Proprietors of the said Railroad shall make and maintain good and sufficient Gates at each of the said Crossings, and shall employ good and proper Persons to attend to the opening and 10 shutting of such Gates, so that the Persons, Carts or Carriages, passing along such Road, shall not be exposed to any Danger or Damage by the passing of any Carriages or Engines along the said Railroad; and any Complaint for any Neglect in respect of the said Gates shall be made within Ten Days after the said Neglect, to One 15 Justice, who may summon the Party so complained against to appear before the Justices at their next Special Sessions for the Highways, who shall hear and decide upon the said Complaint, and the Proprietor so offending shall forfeit any Sum not exceeding Five Pounds.

Notices, &c.

Penalty on
Persons
committing
Nuisance
by riding on
Footpaths,
&c.;
Id. s. 72.

CIV. If any Person shall wilfully ride upon any Footpath or 20 Causeway by the Side of any Road made or set apart for the Use or Accommodation of Foot Passengers; or shall wilfully lead or drive any Horse, Ass, Sheep, Mule, Swine, or Cattle, or Carriage of any Description, or any Truck or Sledge, upon any such Footpath or Causeway; or shall tether any Horse, 25 Ass, Mule, Swine, or Cattle on any Highway, so as to suffer or permit the tethered Animal to be thereon; or shall cause any Injury or Damage to be done to the said Highway, or the Hedges, Posts, Rails, Walls, or Fences thereof; or shall wilfully obstruct the Passage of any Footway; or wilfully destroy or injure the Surface of any 30 Highway; or shall wilfully or wantonly pull up, cut down, remove, or damage the Posts, Blocks, or Stones fixed by the said Surveyor as herein directed; or dig or cut down the Banks which are the Securities and Defence of the said Highways; or break, damage, or throw down the Stones, Bricks, or Wood fixed upon the Parapets or Battlements of Bridges, or otherwise injure or deface the same; or pull 35 down, destroy, obliterate, or deface any Mile Stone or Post, Graduated or Direction Post or Stone, erected upon any Highway; or shall play at Football or any other Game on any Part of the said Highways, to the Annoyance of any Passenger or Passengers; or if any Hawker, 40 Higgler, Gipsy, or other Person travelling, shall pitch any Tent, Booth, Stall, or Stand, or encamp upon any Part of any Highway; or if any Person shall make or assist in making any Fire, or shall wantonly

by injuring
the Road;

by damaging
Banks,
Causeways,
Ditches,
Posts, Mile-
stones, &c.;

by making
Fires;

- wantonly fire off any Gun or Pistol, or shall set fire to or wantonly let off or throw any Squib, Rocket, Serpent, or other Firework whatsoever, within Fifty Feet of the Centre of such Carriageway or Cartway; or bait, or run for the Purpose of baiting, any Bull upon or
- 5 near any Highway; or shall lay any Timber, Stone, Hay, Straw, Dung, Manure, Lime, Soil, Ashes, Rubbish, or other Matter or Thing whatsoever, upon such Highway, to the Injury of such Highway, or to the Injury, Interruption, or personal Danger of any Person travelling thereon; or shall suffer any Filth, Dirt, Lime, or other
- 10 offensive Matter or Thing whatsoever to run or flow into or upon any Highway, from any House, Building, Erection, Lands, or Premises adjacent thereto; or shall in any way wilfully obstruct the free Passage of any such Highway; every Person so offending in any of the Cases aforesaid shall for each and every such Offence forfeit and
- 15 pay any Sum not exceeding Forty Shillings, over and above the Damages occasioned thereby.

by baiting
Bulls;
by laying
Timber, &c.;

by running
of Filth.

- CV. That if any Timber, Stone, Hay, Straw, Dung, Manure, Lime, Soil, Ashes, Rubbish, or other Matter or Thing whatsoever, shall be laid upon any Highway so as to be a Nuisance, and shall
- 20 not, after Notice given by the Surveyor, Assistant Surveyor, or District Surveyor, be forthwith removed, it shall and may be lawful for the Surveyor, Assistant Surveyor, or District Surveyor, by Order in Writing from any One Justice, to clear the said Highway, by removing the said Stone, Hay, Straw, Dung, Manure, Soil, Ashes, Rubbish, or other Matter or Thing as aforesaid, and to dispose of the same, and to apply the Proceeds arising therefrom towards the
- 25 Repairs of the Highway within the Parish in which such Highway may be situate: Provided nevertheless, that if any Soil, Ashes, or Rubbish shall be laid on any Highway, and such Soil, Ashes, or Rubbish shall not be of sufficient Value to defray the Expense of removing them, the Person who laid or deposited such Soil, Ashes, or Rubbish shall repay to the said Surveyor, Assistant Surveyor, or District Surveyor the Money which he shall have necessarily expended for the Removal thereof, which Money, in case the same
- 30 shall not be forthwith repaid, shall be levied as Forfeitures are herein directed to be levied.

Matters laid
on or near
Highways,
so as to be
a Nuisance,
to be re-
moved on
Notice; or
on Failure,
Surveyor to
dispose of
the same by
Order of a
Justice.
Id. s. 73.

Impounding
Cattle.

- CVI. That if any Horse, Ass, Sheep, Swine, or other Beast or Cattle of any Kind shall at any Time be found wandering, straying, or lying, or being depastured on any Highway or on the Sides
- 40 thereof, without a Keeper, (except on such Parts of any Road as lead or pass through or over any common or waste or uninclosed Ground,) any Surveyor, or any other Person authorized by him, is hereby required to seize and impound every such Horse, Ass, Sheep, Swine,

Surveyor
to impound
Cattle found
straying on
Highways
until the
Penalty
herein im-
posed and

the Charges
are paid.
Id. s. 74.

or other Beast or Cattle in the Common Pound (if any) of the Parish where the same shall be found, or in such other Place as the Surveyor shall have provided or shall provide for that Purpose, and the said Horse, Ass, Sheep, Swine, or other Beast or Cattle there to detain until the Owner thereof shall, for every and each Horse, 5 Ass, Sheep, Swine, or other Beast or Cattle so impounded, pay any Sum not exceeding One Shilling, together with the reasonable Charges and Expenses, such Charges and Expenses to be settled by any Two Justices of the Peace, of impounding and keeping the same, to the Surveyor of the Parish in which the Beast so impounded 10 shall have been found, the said Sum so paid for each Beast to be applied to the Repair of the said Highway; and in case the said Penalty, Charges, and Expenses shall not be paid within Five Days after such impounding (Notice being thereof first given to the Owner, if known at the Time), it shall and may be lawful for any Two 15 Justices of the Peace to order every such Horse, Ass, Sheep, Swine, or other Beast or Cattle to be sold, except where it shall be made to appear to such Justices that the Horse, Ass, Sheep, Swine, or other Beast or Cattle impounded escaped from any Inclosure by any Gate or Fence being wilfully or negligently left open or destroyed by 20 any Person not being Owner of such Inclosure, nor employed by such Owner, or that it arose from Accident, and was not wilful, in which Case such Justices may remit the said Penalty; and the Money arising from such Sale, after deducting the said Penalty, and Charges and Expenses of impounding, keeping, and selling every such Horse, 25 Ass, Sheep, Swine, or other Beast or Cattle, shall be paid to the Person whose Property the same so sold shall appear to have been; and in case the Owner thereof shall not be known, and no Application shall be made for the Money arising from such Sale within One Calendar Month after such Sale shall have taken place, the said 30 Money shall be applied, after deducting the said Charges and Expenses, in the same Manner as the said Penalty of One Shilling is herein directed to be applied: Provided always, that no Owner of any Horse, Ass, Sheep, Swine, or other Beast or Cattle impounded as aforesaid, shall in any Case pay more than the Sum of Twenty 35 Shillings, over and above the Charges and Expenses of impounding and keeping the same, for any Number of Horses, Asses, Sheep, Swine, or other Beast or Cattle impounded at One Time; and provided always, that nothing in this Act shall be deemed, taken, or construed to extend to take away any Right of Pasturage which may 40 exist on the Sides of any Highway.

Limiting the
Extent of
the Penalty.

Right of
Pasturage
not taken
away.

Punishing
Persons
guilty of
Pound-
breach.
Id. s. 75.

CVII. In case any Person shall release or attempt to release any Horse, Ass, Sheep, Swine, or other Beast or Cattle which shall be seized for the Purpose of being impounded, under the Authority of this

this Act, from the Pound or Place where the same shall be so impounded, or in the Way to or from any such Pound or Place, or shall pull down, damage, or destroy the same Pound or Place, or any Part thereof, or any Lock or Bolt belonging thereto or with which the same shall be fastened, or shall rescue or release, or attempt to rescue or release, any Distress or Levy which shall be made under the Authority of this Act, until or before such Horse, Ass, Sheep, Swine, or other Beast or Cattle seized or so impounded, or such Distress or Levy so made, shall be discharged by due Course of Law, every Person so offending shall, upon Conviction thereof before any Two of His Majesty's Justices of the Peace, either upon Confession of the Party or Parties offending, or upon Oath of One credible Witness, forfeit and pay any Sum not exceeding Twenty Pounds, at the Discretion of the said Justices, and in default thereof be committed by such Justices, by Warrant under their Hands and Seals, to the House of Correction of the County wherein the said Offence shall have been committed, there to be kept to Hard Labour for any Time, at the Discretion of the Justices, not exceeding Three Calendar Months.

CVIII. The Owner of every Waggon, Cart, or other such Carriage shall paint or cause to be painted in One or more straight Line or Lines, upon some conspicuous Part of the Right or Off Side of his Waggon, Cart, or other such Carriage, or upon the Off-side Shafts thereof, before the same shall be used on any Highway, his Christian Name and Surname, or the Style and Title by which he is commonly designated, and the Place of his Trade or Abode, or the Christian and Surname and Place of Trade or Abode of a Partner or Owner thereof, at full Length, in large legible Letters in White upon Black or Black upon White, not less than One Inch in Height, and continue the same thereupon so long as such Waggon, Cart, or other such Carriage shall be used upon any Highway; and every Owner of any Waggon, Cart, or other such Carriage who shall use or allow the same to be used on any Highway without the Name and Descriptions painted thereon as aforesaid, or who shall suffer the same to become illegible, or who shall paint or cause to be painted any false or fictitious Name or Place of Trade or Abode on such Waggon or Cart, or other such Carriage, shall forfeit and pay, on Conviction, for every such Offence, a Sum not exceeding Forty Shillings, with or without Costs, as the Justices before whom the Conviction shall take place shall think fit.

Carts, Waggon, &c.
Names of Owners to be painted on all Waggon, &c. in the Manner herein mentioned.

CIX. No One Person shall act as the Driver of more than Two Carts, Waggon, or other such Carriages on any Highway: Provided always, that it shall and may be lawful for any One Person to act as

One Driver may take charge of Two Carts, the

provided
they are
drawn only
by One
Horse each.
Id. s. 77.

the Driver of Two Carts, Waggon, or or other such Carriages on any Highway, and for such Carts to pass and travel on any Highway, being only under the Care and Superintendence of such single Person: Provided always, that such Carts, Waggon, or other Carriages, when under the Care of only One Person, shall not be drawn 5 by more than One Horse each, and the Horse of the hinder Cart, Waggon, or other Carriage shall be attached by a Rein in Length not exceeding Four Feet to the Back of the Cart, Waggon, or other Carriage which shall be foremost; and in case the said Horse shall not be so attached, the Driver of the said Carts, Waggon, or other 10 Carriages shall forfeit, on Conviction, the Sum of Twenty Shillings, to be recovered as other Penalties are by this Act to be recovered.

Drivers of
Waggon or
Carts not
to ride
thereon
unless some
other Person
guide them.
Id. s. 78.

Drivers
causing Hurt
or Damage
to others, or
quitting the
Road, or
driving Car-
riage with-
out Owner's
Name, or not
keeping the
Left or Near
Side, or in-
terrupting
free Passage,
if not the
Owner, to
forfeit 5*l*, if
he be the
Owner, 10*l*.

CX. If the Driver of any Waggon, Cart, or other Carriage of any kind shall ride upon any such Carriage, or upon any Horse or Horses drawing the same, on any Highway, not having some other 15 Person on Foot or on Horseback to guide the same (such Carriages and Carts as are driven with Reins, and are conducted by some Person holding the Reins of all the Horses drawing the same, excepted); or if the Driver of any Carriage whatsoever on any Part of any Highway shall by Negligence or wilful Misbehaviour 20 cause any Hurt or Damage to any Person, Horse, Cattle, or Goods conveyed in any Carriage passing or being upon such Highway, or shall quit the same and go on the other Side of the Hedge or Fence inclosing the same, or negligently or wilfully be at such Distance from such Carriage or in such a Situation whilst it shall be passing 25 upon such Highway that he cannot have the Direction and Government of the Horses or Cattle drawing the same, or shall leave any Cart or Carriage on such Highway so as to obstruct the Passage thereof; or if any Person shall drive or act as the Driver of any Waggon, Cart, or other such Carriage, not having the Owner's Name 30 as hereby required painted and remaining legible thereon, and shall refuse to tell or to discover the true Christian and Surname of the Owner or principal Owners of such Waggon, Cart, or Carriage; or if the Driver of any Waggon, Cart, or other Carriage whatsoever, or of any Horses, Mules, or other Beast of Draught or Burden, 35 meeting any other Waggon, Cart, or other Carriage, or Horses, Mules, or other Beasts of Burden, shall not keep his Waggon, Cart, or Carriage, or Horses, Mules, or other Beasts of Burden, on the Left or Near Side of the Road; or if any Person shall in any Manner wilfully prevent any other Person from passing him, or any Waggon, 40 Cart, or other Carriage, or Horses, Mules, or other Beasts of Burden under his Care, upon such Highway, or by Negligence or Misbehaviour prevent, hinder, or interrupt the free Passage of any Person, Waggon, Cart, or other Carriage, or Horses, Mules, or other
Beasts

- Beasts of Burden, on any Highway, or shall not keep his Waggon, Cart, or other Carriage, or Horses, Mules, or other Beasts of Burden, on the Left or Near Side of the Road, for the Purpose of allowing such Passage; or if any Person riding any Horse or Beast, or driving
 5 any sort of Carriage, shall ride or drive the same furiously so as to endanger the Life or Limb of any Passenger; every Person so offending in any of the Cases aforesaid, and being convicted of any such Offence, either by his own Confession, the View of a Justice, or by the Oath of One or more credible Witnesses before any Two
 10 Justices of the Peace, shall, in addition to any Civil Action to which he may make himself liable for every such Offence, forfeit any Sum not exceeding Five Pounds, in case such Driver shall not be the Owner of such Waggon, Cart, or other Carriage, and in case the Offender be the Owner of such Waggon, Cart, or other Carriage,
 15 then any Sum not exceeding Ten Pounds, and in either of the said Cases shall, in default of Payment, be committed to the Common Gaol or House of Correction, there to be kept to Hard Labour for any Time not exceeding Six Weeks, unless such Forfeiture shall be sooner paid; and every such Driver offending in either of the said
 20 Cases shall and may, by the Authority of this Act, with or without any Warrant, be apprehended by any Person who shall see such Offence committed, and shall be conveyed before any Justice of the Peace, to be dealt with according to Law; and if any such Driver in any of the Cases aforesaid shall refuse to discover his Name, it
 25 shall and may be lawful for the said Justice of the Peace before whom he shall be taken, or to whom any such Complaint shall be made, to commit him to the Common Gaol or House of Correction, there to be kept to Hard Labour for any Time not exceeding Three Months, or to proceed against him for the Penalty aforesaid by a
 30 Description of his Person and the Offence only, without adding any Name or Designation, but expressing in the Proceedings that he refused to discover his Name.

Proceeding
if Driver
will not
discover his
Name.

- CXI. And whereas Offences may be committed against this Act by Persons whose Names are unknown to the Surveyor, Assistant
 35 Surveyor, or District Surveyor: Be it therefore enacted, That it shall be lawful for the Surveyor, Assistant Surveyor, or District Surveyor, or any Person acting under his Authority, and such other Person as he shall call to his Assistance, or any other Person witnessing the Commission of the Offence, without any other Antho-
 40 rity than this Act, to seize and detain such unknown Person who shall commit any such Offence, and take him forthwith before any Justice of the Peace, who shall proceed and act with respect to such Offence, according to the Provisions of this Act.

For securing
unknown
Offenders.
Id. s. 79.

Width of
Highways, &c.

Cartways to
be Twenty
Feet wide,
Horseways
Eight Feet,
and Foot-
ways Three
Feet.
Id. s. 80.

CXII. The said Surveyor shall and he is hereby required to make, support, and maintain, or cause to be made, supported, and maintained, every public Cartway leading to any Market Town Twenty Feet wide at the least, and every public Horseway Eight Feet wide at the least, and to support and maintain every public Footway by the Side of any Carriageway or Cartway Three Feet at the least, if the Ground between the Fences, including the same, will admit thereof: Provided nevertheless, that nothing herein contained shall require any Surveyor to make or form any public Footway, without the Consent of the Inhabitants in Vestry assembled.

Width of
Gates across
public Cart-
ways and
Horseways.
Id. s. 81.

CXIII. If any Gate across any public Cartway shall be less than Ten Feet wide, or any Gate across any public Horseway shall be less than Five Feet wide, clear between the Posts thereof, then and in every such Case, upon Notice in Writing from the Surveyor to the Person to whom such Gate shall belong, left at the Dwelling House of such Person or his Steward or Agent, requiring him to enlarge the same, if such Person shall neglect for the Space of Twenty-one Days after such Notice shall have been left as aforesaid to remove or enlarge such Gate, he shall forfeit a Sum not exceeding Ten Shillings for every Day he shall so neglect to remove or to enlarge such Gate as aforesaid.

Widening
Highways.

Justices may
order narrow
Highways
to be
widened.
Id. s. 82.

CXIV. Where it shall appear, upon the View of Two Justices of the Peace, that any Highway is not of sufficient Breadth, and might be widened and enlarged, such Justices shall and they are hereby empowered, within their respective Divisions, to order such Highway respectively to be widened and enlarged in such Manner as they shall think fit, so that the said Highway, when widened and enlarged, shall not exceed Thirty Feet in Breadth, and that neither of the said Powers do extend to pull down any House or Building, or to take away the Ground of any Garden, Lawn, Yard, Court, Park, Paddock, planted Walk, Plantation, or Avenue to any House, or any inclosed Ground set apart for Building Ground or as a Nursery for Trees; and for the Satisfaction of the Person, Body Politic or Corporate, who is seised or possessed of or interested in their own Right, or in trust for any other Person, in the said Ground that shall be laid into the said Highway respectively so to be widened and enlarged, the said Surveyor, under the Direction and with the Approbation of the said Justices in Writing, shall and is hereby empowered to make an Agreement with him for the Recompence to be made for such Ground, and for the making such new Ditches and Fences as shall be necessary, according and in proportion to their several and respective Interests therein, and also with any other Person, Body Politic or Corporate, that may be injured by the widening and enlarging such Highway,

Surveyor to
agree with
Owners of
Lands for
Recompence,
and if they
cannot agree,
the same may
be assessed
by a Jury at
the Quarter
Sessions.

Highway, for the Satisfaction to be made to him respectively as aforesaid; and if the said Surveyor, under the Direction and with the Approbation of the said Justices, cannot agree with the said Person, Body Politic or Corporate, or if he cannot be found, or shall refuse to
 5 treat, or take such Recompence or Satisfaction as shall be offered to them respectively by such Surveyor, then the Justices of the Peace at any General Quarter Sessions to be holden for the Limit wherein such Ground shall lie, upon Certificate in Writing, signed by the Justices making such View as aforesaid, of their Proceedings in the
 10 Premises, and upon Proof of Fourteen Days Notice in Writing having been given by the Surveyor of such Parish to the Owner, Occupier, or other Person, Body Politic or Corporate, interested in such Ground, or to his Guardian, Trustee, Clerk, or Agent, signifying an Intention to apply to such Quarter Sessions for the Purpose of taking
 15 such Ground, shall impanel a Jury of Twelve disinterested Men out of the Persons returned to serve as Jurymen at such Quarter Sessions; and the said Jury shall, upon their Oaths, to the best of their Judgment, assess the Damages to be given and Recompence to be made to the Owners and others interested as aforesaid in the said
 20 Ground, for their respective Interests, as they shall think reasonable, not exceeding Forty Years Purchase for the clear yearly Value of the Ground so laid out, and likewise such Recompence as they shall think reasonable for the making of new Ditches and Fences on the Side of the said Highway that shall be so widened and enlarged, and
 25 also Satisfaction to any Person, Body Politic or Corporate, that may be otherwise injured by the widening and enlarging the said Highways respectively; and upon Payment or Tender of the Money so to be awarded and assessed to the Person, Body Politic or Corporate, entitled to receive the same, or leaving it in the
 30 Hands of the Clerk of the Peace of such Limit, in case such Person, Body Politic or Corporate, cannot be found, or shall refuse to accept the same, for the Use of the Owner of or others interested in the said Ground, the Interest of the said Person, Body Politic or Corporate, in the said Ground, shall he for ever divested out of them,
 35 and the said Ground, after such Agreement or Verdict as aforesaid, shall be esteemed and taken to be a public Highway to all Intents and Purposes whatsoever; saving nevertheless to the Owner of such Ground all Mines, Minerals, and Fossils lying under the same which can or may be got without breaking the Surface of the said Highway,
 40 and also all Timber and Wood growing upon such Ground, to be felled and taken by such Owner within One Month after such Order shall have been made, or, in default thereof, to be felled by the said Surveyor within the respective Months aforesaid, and laid upon the Land adjoining, for the Benefit of the said Owner;
 45 and where there shall not appear sufficient Money in the Hands

On Payment of Money assessed, Ground to be deemed a public Highway.

Where there is not Money of

sufficient, a further Rate may be made, by Order of the Justices at their Quarter Sessions, not exceeding One Third of Rate.

of the Surveyor for the Purpose aforesaid, then the said Two Justices in Cases of Agreement, or the said Court of Quarter Sessions after such Verdict as aforesaid, shall direct the Surveyor to make, collect, and levy an equal Rate in the same Manner as the Rate by this Act authorized to be made, and to pay the Money to 5 the Person, Body Politic or Corporate, so interested, in such Manner as the said Justices or Court of Quarter Sessions respectively shall direct and appoint; and the Money thereby raised shall be employed and accounted for, according to the Order and Direction of the said Justices or Court of Quarter Sessions respectively, for and towards the 10 purchasing the Land to widen and enlarge the said Highway, and for making the said Ditches and Fences, and also Satisfaction for the Damages sustained thereby; provided that no such Rate to be made in any One Year shall exceed One Third Part of the Rate by this Act authorized to be levied, in addition to the Rate for the Repair of 15 the Highways.

Cost of Proceedings, by whom payable. *Id.* s. 83.

CXV. That in case such Jury shall give in and deliver a Verdict for more Monies as a Recompence for the Right, Interest, or Property of any Person, Body Politic or Corporate, in such Lands or Grounds, or for the making such Fence, or for such Damage or 20 Injury to be sustained by him as aforesaid, than what shall have been proposed and offered by the said Surveyor before such Application to the said Court of Quarter Sessions as aforesaid, that then and in such Case the Costs and Expenses attending the said several Proceedings shall be borne and paid by the Surveyor out of the Monies in his 25 Hands, or to be assessed and levied by virtue and under the Powers of this Act; but if such Jury shall give and deliver a Verdict for no more or for less Monies than shall have been so offered and proposed by the said Surveyor before such Application to the said Court of Quarter Sessions, that then the said Costs and Expenses shall be 30 borne and paid by the Person, Body Politic or Corporate, who shall have refused to accept the Recompence and Satisfaction so offered to him as aforesaid.

Diverting Highways, &c.

Previous to stopping up a Highway, &c., Surveyor to request Justices to view the same. *Id.* s. 84.

CXVI. When the Inhabitants in Vestry assembled shall deem it expedient that any Highway should be stopped up, diverted, or 35 turned, either entirely, or reserving a Bridleway or Footway along the whole or any Part or Parts thereof, the Chairman of such Meeting shall by an Order in Writing direct the Surveyor to apply to Two Justices to view the same, and shall authorize him to pay all the Expenses attending such View, and the stopping up, diverting, or 40 turning such Highway, either entirely, or subject to such Reservation as aforesaid, out of the Money received by him for the Purposes of this Act: Provided nevertheless, that if any other Party shall be desirous

desirous of stopping up, diverting, or turning any Highway as aforesaid, he shall by a Notice in Writing require the Surveyor to give Notice to the Churchwardens to assemble the Inhabitants in Vestry, and to submit to them the Wish of such Person; and if such Inhabitants shall agree to the Proposal, the said Surveyor shall apply to the Justices as last aforesaid for the Purposes aforesaid; and in such Case the Expenses aforesaid shall be paid to such Surveyor by the said Party, or be recoverable in the same Manner as any Forfeiture is recoverable under this Act; and the said Surveyor is hereby required to make such Application as aforesaid.

CXVII. When it shall appear, upon such View of such Two Justices of the Peace, made at the Request of the said Surveyor as aforesaid, that any public Highway may be diverted and turned, either entirely or subject as aforesaid, so as to make the same nearer or more commodious to the Public, and the Owner of the Lands or Grounds through which such new Highway so proposed to be made shall consent thereto by Writing under his Hand, or if it shall appear upon such View that any public Highway is unnecessary, the said Justices shall direct the Surveyor to affix a Notice in the Form or to the Effect of Schedule (No. 19.) to this Act annexed, in legible Characters, at the Place and by the Side of each End of the said Highway from whence the same is proposed to be turned, diverted, or stopped up, either entirely, or subject as aforesaid, and also to insert the same Notice in One Newspaper published or generally circulated in the County where the Highway so proposed to be diverted and turned or stopped up, either entirely, or subject as aforesaid, (as the Case may be,) shall lie, for Four successive Weeks next after the said Justices have viewed such public Highway, and to affix a like Notice on the Door of the Church of every Parish in which such Highway so proposed to be diverted, turned, or stopped up, either entirely, or subject as aforesaid, or any Part thereof, shall lie, on Four successive Sundays next after the making such View; and the said several Notices having been so published, and Proof thereof having been given to the Satisfaction of the said Justices, and a Plan having been delivered to them at the same Time particularly describing the old and the proposed new Highway, by Metes, Bounds, and Admeasurement thereof, which Plan shall be verified by some competent Surveyor, the said Justices shall proceed to certify under their Hands the Fact of their having viewed the said Highway as aforesaid, and that the proposed new Highway is nearer or more commodious to the Public, and if nearer the said Certificate shall state the Number of Yards or Feet it is nearer, or if more commodious the Reasons why it is so; and if the Highway is proposed to be stopped up as unnecessary, either entirely, or subject as aforesaid,

Proceedings for diverting, &c. certain Highways, and stopping up unnecessary Highways. 13. s. 85.

then the Certificate shall state the Reason why it is unnecessary; and the said Certificate of the said Justices, together with the Proof and Plan so laid before them as aforesaid, shall, as soon as conveniently may be after the making of the said Certificate, be lodged with the Clerk of the Peace for the County in which the said Highway is situated, and shall (at the Quarter Sessions which shall be holden for the Limit within which the Highway so diverted and turned or stopped up, either entirely, or subject as aforesaid, shall lie, next after the Expiration of Four Weeks from the Day of the said Certificate of the said Justices having been lodged with the Clerk of the Peace as aforesaid,) be read by the said Clerk of the Peace in open Court; and the said Certificate, together with the Proof and Plan as aforesaid, as well as the Consent in Writing of the Owner of the Land through which the new Highway is proposed to be made, shall be enrolled by the Clerk of the Peace amongst the Records of the said Court of Quarter Sessions: Provided always, that any Person whatever shall be at liberty, at any Time previous to the said Quarter Sessions, to inspect the said Certificate and Plan so as aforesaid lodged with the said Clerk of the Peace, and to have a Copy thereof, on Payment to the Clerk of the Peace at the Rate of Sixpence per Folio, and a reasonable Compensation for the Copy of the Plan.

As to stopping up more than One Highway connected together.
Ed. s. 86.

CXVIII. Provided always, That in any Case where it is proposed to stop up or divert more than One Highway, which Highways shall be deemed to be so connected together as that they cannot be separately stopped or diverted without interfering one with the other, it shall be lawful to include such different Highways in One Order or Certificate.

Court may confirm Order for so doing, wholly or in part.
Ed. s. 87.

CXIX. Provided also, That in the event of any Appeal being brought against the whole or any Part or Parts of any Order or Certificate for diverting more Highways than One, it shall be lawful for the Court to decide upon the Propriety of confirming the whole or any Part or Parts of such Order or Certificate, without Prejudice to the remaining Part or Parts thereof.

Persons who may think themselves aggrieved if such Highway should be ordered to be stopped up, &c. may appeal.
Ed. s. 88.

CXX. Provided always, That when any such Certificate shall have been so given as aforesaid, it shall and may be lawful for any Person who may think that he would be injured or aggrieved if any such Highway should be ordered to be diverted and turned or stopped up, either entirely or subject as aforesaid, and such new Highway set out and appropriated in lieu thereof as aforesaid, or if any unnecessary Highway should be ordered to be stopped up as aforesaid, to make his Complaint thereof by Appeal to the Justices of the Peace at the

the said Quarter Sessions, upon giving to the Surveyor Ten Days Notice in Writing of such Appeal, together with a Statement in Writing of the Grounds of such Appeal, who is hereby required, within Forty-eight Hours after the Receipt of such Notice, to deliver
 5 a Copy of the same to the Party by whom he was required to apply to the Justices to view the said Highway; provided that in all Cases where the said Surveyor shall have been directed by the Inhabitants in Vestry assembled to apply to such Justices as aforesaid, then the said Surveyor shall not be required to deliver a Copy of such Notice to any
 10 Party: Provided also, that it shall not be lawful for the Appellant to be heard in support of such Appeal, unless such Notice and Statement shall have been so given as aforesaid, nor on the Hearing of such Appeal to go into or give Evidence of any other Grounds of Appeal than those set forth in such Statement as aforesaid.

- 15 CXXI. In case of such Appeal the Justices at the said Quarter Sessions shall, for the Purpose of determining whether the proposed new Highway is nearer or more commodious to the Public, or whether the public Highway so intended to be stopped up, either entirely, or subject as aforesaid, is unnecessary, or whether the said Party ap-
 20 pealing would be injured or aggrieved, impanel a Jury of Twelve disinterested Men out of the Persons returned to serve as Jurymen at such Quarter Sessions; and if, after hearing the Evidence produced before them, the said Jury shall return a Verdict that the proposed new Highway is nearer or more commodious to the Public, or that
 25 the public Highway so intended to be stopped up, either entirely, or subject as aforesaid, is unnecessary, or that the Party appealing would not be injured or aggrieved, then the said Court of Quarter Sessions shall dismiss such Appeal, and make the Order herein men-
 30 tioned for diverting and turning and stopping up such Highway, either entirely, or subject as aforesaid, or for diverting, turning, and stopping up of such old Highway, and purchasing the Ground and Soil for such new Highway, or for stopping up such unnecessary Highway, either entirely, or subject as aforesaid; but if the said Jury shall return a Verdict that the proposed new Highway is not nearer or
 35 not more commodious to the Public, or that the Highway so intended to be stopped up, either entirely, or subject as aforesaid, is not unnecessary, or that the Party appealing would be injured or aggrieved, then the said Court of Quarter Sessions shall allow such Appeal, and shall not make such Order as aforesaid.

In case of
 Appeal Jury
 at Sessions
 to determine
 whether new
 Highway is
 nearer, &c.
 Id. s. 89.

- 40 CXXII. The Court of Quarter Sessions is hereby authorized and required to award to the Party giving or receiving Notice of Appeal such Costs and Expenses as shall be incurred in prosecuting or resisting such Appeal, whether the same shall be tried or not, and

Costs to be
 awarded in
 appeal
 against stop-
 ping up, &c.
 Highway.
 Id. s. 90.

such Costs and Expenses shall be paid by the Surveyor or other Party as aforesaid, at whose Instance the Notice for diverting and turning or stopping up the Highway, either entirely, or subject as aforesaid, shall have been given; and in case the said Surveyor or other Party as aforesaid shall not appear in support thereof, the said Court of Quarter Sessions shall award the Costs of the Appellant to be paid by such Surveyor or other Party as aforesaid, and such Costs shall be recoverable in the same Manner as any Penalties or Forfeitures are recoverable under this Act.

If no Appeal be made, or if dismissed, Sessions to make Order for diverting, &c., and the old Ways may be stopped.
Id. s. 94.

CXXIII. Provided always, That if no such Appeal be made, or, being made, shall be dismissed as aforesaid, then the Justices at the said Quarter Sessions shall make an Order to 'divert and turn and stop up such Highway, either entirely, or subject as aforesaid, or to divert, turn, and stop such old Highway, and to purchase the Ground and Soil for such new Highway, or to stop up such unnecessary Highway, either entirely, or subject as aforesaid, by such Ways and Means, and subject to such Exceptions and Conditions, in all respects, as in this Act is mentioned in regard to Highways to be widened, and the Proceedings thereupon shall be binding and conclusive on all Persons whomsoever; and the new Highway so to be appropriated and set out shall be and for ever after continue a public Highway, to all Intents and Purposes whatsoever; but no old Highway (except in the Case of stopping up of such useless Highway, as herein mentioned,) shall be stopped until such new Highway shall be completed, and put into good Condition and Repair, and so certified by Two Justices of the Peace upon View thereof, which Certificate shall be returned to the Clerk of the Peace, and by him enrolled amongst the Records of the Court of Quarter Sessions next after such Order as aforesaid shall have been made, pursuant to the Directions hereinbefore contained.

New Highway shall afterwards continue a public Highway, &c.

Party liable to Repair of old Highways to repair new Highways.
Id. s. 92.

CXXIV. Provided always, That in every Case in which a Highway shall have been turned and diverted under the Provisions of this Act, the Parish or other Party which was liable to the Repair of the old Highway shall be liable to the Repair of the new Highway, without any Reference whatever to its Parochial Locality.

Provisions as to widening of a Highway to extend to all Highways which Persons are bound to repair re-

CXXV. The Powers and Provisions in this Act contained with respect to the widening and enlarging, diverting, turning, or stopping up any Highway, shall be applicable to all Highways which any Person, Bodies Politic or Corporate, is or are bound to repair by reason of any Grant, Tenure, Limitation, or Appointment of any charitable Gift or otherwise howsoever; and that when such last-mentioned Highways are so widened or enlarged, turned or diverted, the

- the same shall and may, by an Order of the Justices at a Special Sessions for the Highways, be placed under the Control and Care of the Surveyor of the Parish in which such Highways may be situate, and shall be from Time to Time thereafter repaired and kept in repair
- 5 by the said Parish: Provided also, that the said Highways so widened, enlarged, diverted, or turned shall be viewed by Two Justices of the Peace, who shall make a Report thereof to the Justices at a Special Sessions for the Highways; and such last-mentioned Justices shall, by an Order under their Hands, fix the proportionate Sum which
- 10 shall be annually paid, or shall fix a certain Sum to be paid by such Person, Bodies Politic or Corporate, his or their Heirs, Successors, or Assigns, to the said Surveyors of the Parish, in lieu of thereafter repairing the said Part of the said old Highway; and the Order of the said last-mentioned Justices shall be and continue binding on all
- 15 such Persons, Bodies Politic or Corporate, their Heirs, Successors, or Assigns; and in default of Payment thereof the said Surveyor shall proceed for the Recovery of the same in the Manner as any Penalties and Forfeitures are recoverable under this Act.

these returns,
40.
Ed. s. 93.

Justices to
fix annual
or other
Amount
payable by
Party pre-
viously
bound to
repair.

- CXXVI. From and after the Commencement of this Act,
- 20 if any Highway is out of Repair, or is not well and sufficiently repaired and amended, and Information thereof on the Oath of One credible Witness is given to any Justice of the Peace, it shall and may be lawful for such Justice, and he is hereby authorized and required, to issue a Summons requiring the Surveyor of the Parish, or
- 25 other Person or Body Politic or Corporate chargeable with such Repairs, to appear before the Justices at some Special Sessions for the Highways in the said Summons mentioned, to be held within the Division in which the said Highway may be situate; and the said Justices shall either appoint some competent Person to view the same,
- 30 and report thereon to the Justices in Special Sessions assembled, on a certain Day and Place to be then and there fixed, at which the said Surveyor of the Highways or other Party as aforesaid shall be directed to attend, or the said Justices shall fix a Day whereon they or any Two of them shall attend to view the said Highway; and if to
- 35 the Justices at such Special Sessions, on the Day and at the Place so fixed as aforesaid, it shall appear, either on the Report of the said Person so appointed by them to View, or on the View of such Justices, that the said Highway is not in a State of thorough and effectual Repair, they the said Justices at such last-mentioned Special Sessions
- 40 shall convict the said Surveyor or other Party liable to the Repair of the said Highway in any Penalty not exceeding Five Pounds, and shall make an Order on the said Surveyor, or other Person or Bodies Politic or Corporate liable to repair such Highway, by which Order they shall limit and appoint a Time for the repairing of the same, and

Proceedings to
compel Repairs.

Mode of
proceeding
before Jus-
tices if High-
way is out
of Repair.
Ed. s. 94.

in default of such Repairs being effectually made within the Time so limited, the said Surveyor, or such other Person or Body Politic or Corporate as aforesaid, shall forfeit and pay to some Person to be named and appointed in a Second Order a Sum of Money to be therein stated, and which shall be equal in Amount to the Sum which the said Justices shall, on the Evidence produced before them, judge requisite for repairing such Highway, which Money shall be recoverable in the same Manner as any Forfeiture is recoverable under this Act, and such Money, when recovered, shall be applied to the Repair of such Highway; and in case more Parties than One are bound to repair any such Highway, the said Justices shall direct in their said Order what Proportion shall be paid by each of the said Parties; provided that if the said Highway so out of Repair is a Part of the Turnpike Road, the said Justices shall summon the Treasurer or Surveyor or other Officer of such Turnpike Road, and the Order herein directed to be made shall be made on such Treasurer or Surveyor or other Officer as aforesaid, and the Money therein stated shall be recoverable as aforesaid: Provided nevertheless, that the said Justices shall not have Power to make such Order as aforesaid in any Case where the Duty or Obligation of repairing the said Highway comes in question.

In what Cases Justices cannot interfere.

Mode of proceeding if Obligation to repair is disputed.
Id. s. 95.

CXXVII. That if on the Hearing of any such Summons respecting the Repair of any Highway the Duty or Obligation of such Repairs is denied by the Surveyor on behalf of the Inhabitants of the Parish, or by any other Party charged therewith, it shall then be lawful for such Justices and they are hereby required to direct a Bill of Indictment to be preferred, and the necessary Witnesses in support thereof to be subpoenaed, at the next Assizes to be holden in and for the said County, or at the next General Quarter Sessions of the Peace for the County, Riding, Division, or Place wherein such Highway shall be, against the Inhabitants of the Parish or the Party to be named in such Order, for suffering and permitting the said Highway to be out of repair; and the Costs of such Prosecution shall be directed by the Judge of Assize before whom the said Indictment is tried, or by the Justices at such Quarter Sessions, to be paid out of the Rate made and levied in pursuance of this Act in the Parish in which such Highway shall be situate: Provided nevertheless, that it shall be lawful for the Party against whom such Indictment shall be so preferred at the Quarter Sessions as aforesaid to remove such Indictment by Certiorari or otherwise into Her Majesty's Court of Queen's Bench.

Indictment.
Fines, Penalties, and Forfeitures.

CXXVIII. No Fine, Issue, Penalty, or Forfeiture, for not repairing the Highway, or not appearing to any Indictment for not repairing the

- the same, shall hereafter be returned into the Court of Exchequer or other Court, but shall be levied by and paid into the Hands of such Person residing in or near the Parish where the Road shall lie, as the Justices or Court imposing such Fines, Issues, Penalties, or Forfeitures shall order and direct, to be applied towards the Repair and Amendment of such Highway; and the Person so ordered to receive such Fine shall and is hereby required to receive, apply, and account for the same according to the Direction of such Justices or Court, or in default thereof shall forfeit double the Sum received; and if
- 10 any Fine, Issue, Penalty, or Forfeiture to be imposed for not repairing the Highway, or not appearing as aforesaid, shall hereafter be levied on any Inhabitant of such Parish, Township, or Place, then such Inhabitant shall and may make his Complaint to the Justices at a Special Sessions for the Highways; and the said Justices are hereby
- 15 empowered and authorized, by Warrant under their Hands, to make an Order on the Surveyor of the Parish for Payment of the same out of the Money receivable by him for the Highway Rate, and shall within Two Months next after Service of the said Order on him pay unto such Inhabitant the Money therein mentioned.
- 20 CXXIX. If any Surveyor or other Person shall be summoned before any Justice to answer any Information or Complaint exhibited or made against him touching or concerning any Offence committed or alleged to have been committed by such Surveyor or other Person against the Provisions of this Act, or for any supposed Neglect
- 25 of Duty, in case such Surveyor or other Person be convicted thereof, such Justice shall be authorized and empowered to order the Payment by such Surveyor or other Person of all Costs or Proceedings against him; but in case such Information or Complaint shall afterwards be withdrawn or quashed or dismissed, or if the Defendant shall
- 30 be acquitted of the Offence or Neglect of Duty charged against him, it shall be lawful for such Justices to order and award that the Person exhibiting or making such Information or Complaint shall pay to the Defendant all such Costs as to such Justice shall seem reasonable; and in default of immediate Payment of the Sum so
- 35 awarded it shall be lawful for such Justices to cause the same to be levied by Distress and Sale of the Goods and Chattels of the Person ordered to pay the same, together with the Costs of such Distress and Sale; and if Goods and Chattels of such Person sufficient to answer the Sum so awarded, with such Costs as aforesaid,
- 40 cannot be found, it shall be lawful for such Justices to commit such Person to the Common Gaol or House of Correction, there to be kept to Hard Labour for any Time not exceeding One Calendar Month, unless the Sum so awarded, together with all Costs and Expenses, shall be sooner paid and satisfied.

Justices how
to be levied
and applied.
Id. s. 96.

Justices emp-
owered to
award Costs
to Defen-
dant, where
Information,
&c. is with-
drawn or
dismissed.
Id. s. 97.

Court may award Costs to the Prosecutor.

Id. s. 88.

CXXX. It shall and may be lawful for the Court before whom any Indictment shall be preferred for not repairing Highways to award Costs to the Prosecutor, to be paid by the Person so indicted, if it shall appear to the said Court that the Defence made to such Indictment was frivolous or vexatious.

5

No Presentment against Inhabitants for Highway being out of Repair.

Id. s. 89.

Recovery of Penalties, &c.

Justices may proceed by Summons in the Recovery of Penalties.

Id. s. 101.

CXXXI. From and after the Commencement of this Act it shall not be lawful to take or commence any legal Proceeding by Presentment against the Inhabitants of any Parish or other Person, on account of any Highway or Turnpike Road being out of Repair.

CXXXII. In any Cases in which any Penalty or Forfeiture is 10 recoverable before Justices of the Peace under this Act, it shall and may be lawful for any Justice to whom Complaint shall be made of any such Offence to summon the Party complained against before any Two Justices, and on such Summons the said Two Justices may hear and determine the Matter of such Complaint, and on Proof of 15 the Offence convict the Offender, and adjudge him to pay the Penalty or Forfeiture incurred, and proceed to recover the same, although no Information in Writing shall have been exhibited or taken by or before such Justice; and all such Proceedings by Summons, without Information, shall be as good, valid, and effectual, to all Intents and 20 Purposes, as if an Information in Writing was exhibited.

Compelling Witnesses to attend and give Evidence.

Id. s. 102.

CXXXIII. If any Person, after having been paid or tendered a reasonable Sum of Money for his Costs, Charges, and Expenses, shall be summoned as a Witness to give Evidence before any Justices of the Peace touching any Matter or Fact contained in any Infor- 25 mation or Complaint for any Offence against this Act, either on the Part of the Prosecutor or the Person accused, and shall refuse or neglect to appear at the Time and Place for that Purpose appointed, without a reasonable Excuse for his Refusal or Neglect, or appearing shall (after having been paid or tendered a reasonable Sum for his 30 Costs, Charges, and Expenses,) refuse to be examined upon Oath and give Evidence before such Justice of the Peace, then and in either of such Cases such Person shall forfeit for every such Offence any Sum not exceeding Five Pounds.

Penalties, Costs, and Charges may be levied by Distress and Sale.

Id. s. 103.

CXXXIV. All Penalties and Forfeitures by this Act inflicted 35 or authorized to be imposed for any Offence against the same, and all Balances due from a Surveyor, and all Costs and Charges to be allowed and ordered by the Authority of this Act, (the Manner of levying, recovering, and applying of which is not hereby otherwise particularly directed,) shall, upon Proof and 40 Conviction of the Offences respectively before any Two or more Justices,

Justices, either by the Confession of the Party offending, or by the Oath of any credible Witness or Witnesses (which Oath such Justices are in every Case hereby fully authorized to administer), or upon Order made as aforesaid, be levied, together
 5 with the Costs attending the Information, Summons, and Conviction, by Distress and Sale of the Goods and Chattels of the Offender or Person liable or ordered to pay the same respectively, by Warrant under the Hands of Two or more Justices before whom the Party may have been convicted (which Warrant such Justices are hereby
 10 empowered and required to grant), and the Overplus (if any), after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale, are deducted, shall be returned, upon Demand, unto the Owner or Owners of such Goods and Chattels; and in case such Fines, Penalties, and Forfeitures shall not be forthwith paid
 15 upon Conviction, then it shall be lawful for such Justices as aforesaid to order the Offender or Offenders so convicted to be detained and kept in safe Custody until Return can be conveniently made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justices as aforesaid,
 20 for his or their Appearance before such Justices on such Day or Days as shall be appointed for the Return of such Warrant of Distress, such Day not being later than Seven Days from the Time of taking any such Security, and which Security the said Justices as aforesaid are hereby empowered to take by way of Recognizance or
 25 otherwise; or in case it shall appear to the Satisfaction of such Justices, either by the Confession of the Offender or otherwise, that he hath not Goods or Chattels within the Jurisdiction of such Justices sufficient whereon to levy all such Penalties and Forfeitures, Costs and Charges, such Justices may, at their Discretion, without
 30 issuing any Warrant of Distress, commit the Offender for such Period of Time and in such and like Manner as if a Warrant of Distress had been issued, and Nulla bona returned thereon; but if a Warrant of Distress shall be issued, and upon the Return thereof it shall appear that no sufficient Distress can be had whereupon to levy the said
 35 Penalty, Forfeiture, or Fine, and Costs and Expenses aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the Satisfaction of such Justices, upon the Confession of the Offender or otherwise, that he hath not sufficient Goods and Chattels whereupon such Penalty, Forfeiture, or Fine, Costs and Expenses, could be
 40 levied if a Warrant of Distress were issued, such Justices shall not be required to issue such Warrant, but in such Case such Justices are hereby required, by Warrant under their Hands, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction of the County, Riding, or Place where the
 45 Offender shall be or reside, there to be kept to Hard Labour for any

Application
of Penalties.

Term not exceeding Three Calendar Months, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges attending the same, shall be sooner paid and satisfied; and the Penalties and Forfeitures, when so levied, shall be paid, the one Half to the Informer, and the other Half to the Surveyor of the Parish where such Offence, 5 Neglect, or Default shall happen, to be applied towards the Repair of the Highways thereof, unless otherwise directed by this Act; but in case the Surveyor shall be the Informer, then the whole shall be applied towards the Repair of such Highway.

Satisfaction
recoverable
for special
Damage, but
Distress not
to be deemed
unlawful for
Want of
Form in the
Proceedings.
Id. s. 104.

Plaintiff not
to recover
for Irregu-
larity if
Tender of
Amends be
made.

CXXXV. Where any Distress shall be made for any Sum of 10 Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party making the same be deemed a Trespasser, on account of any Default or Want of Form in any Proceedings relating thereto, nor shall the Party distraining be deemed a Trespasser ab initio on account of any Irregularity which shall be 15 afterwards done in making the Distress, but the Person aggrieved by such Irregularity may recover full Satisfaction for the special Damage in an Action on the Case: Provided always, that no Plaintiff shall recover in any Action for any Irregularity, Trespass, or wrongful Proceedings, if Tender of sufficient Amends shall be made by or on 20 behalf of the Party who shall have committed or caused to be committed any such Irregularity, Trespass, or wrongful Proceedings, before such Action brought; and in case no such Tender shall have been made it shall and may be lawful for the Defendant in any such Action, by Leave of the Court where such Action shall depend, at 25 any Time before Issue joined, to pay into Court such Sum of Money as he shall see fit, whereupon such Proceedings or Orders and Judgment shall be had, made, and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

30

Appeal.
Appeal may
be made to
Quarter
Sessions
against Rate,
Conviction,
&c.
Id. s. 105.

CXXXVI. If any Person shall think himself aggrieved by any Rate made under or in pursuance of this Act, or by any Order, Conviction, Judgment, or Determination made or by any Matter or Thing done by any Justice or other Person in pursuance of this Act, and for which no particular Method of Relief hath been already ap- 35 pointed, such Person may appeal to the Justices at the next General or Quarter Sessions of the Peace to be held for the County, Division, Riding, or Place wherein the Cause of such Complaint shall arise, such Appellant first giving or causing to be given to the Surveyor or Surveyors, or to such Justice or other Person by whose Act such 40 Person shall think himself aggrieved, Notice in Writing of his Intention to bring such Appeal, together with a Statement in Writing of the Ground of such Appeal, within Fourteen Days after such Rate shall

shall have been made or Cause of Complaint shall have arisen, and within Four Days after such Notice entering into a Recognizance before some Justice, with Two sufficient Sureties, conditioned to try such Appeal at, and abide the Order of, and pay such Costs as shall
 5 be awarded by the Justices at such General or Quarter Sessions; and such Justices, upon hearing and finally determining the Matter of such Appeal, shall and may, according to their Discretion, award such Costs to the Party appealing, or appealed against as they shall think proper; and their Determination in or concerning the Premises shall
 10 be conclusive and binding on all Parties to all Intents and Purposes whatsoever: Provided nevertheless, that in case there shall not be Time to give such Notice and enter into such Recognizance as aforesaid before the next Sessions to be holden after the making of any Rate or the Cause of Complaint shall have arisen, then and in
 15 every such Case such Appeal may be made to the next following Sessions, and shall be then heard and determined: Provided also, that it shall not be lawful for the Appellant to be heard in support of such Appeal, unless such Notice and Statement shall have been so given as aforesaid, nor on the Hearing of such Appeal to go into
 20 Evidence of any other Grounds of Appeal than those set forth in such Statement as aforesaid.

CXXXVII. In all Cases of Appeal against the Rate or Assessment made in pursuance of this Act the several Provisions and Enactments contained in the Statutes relating to Rates made for
 25 the Relief of the Poor in Ireland shall be applicable thereto, as if the same had been repeated and re-enacted in this Act with respect to such Appeals.

Provisions of Irish Poor Relief Acts to apply to Appeals.
Id. s. 106.

CXXXVIII. No Rate, nor any Proceeding to be had touching the Conviction of any Offender against this Act, or any Order made
 30 or any other Matter or Thing done or transacted in or relative to the Execution of this Act, shall be vacated or quashed for Want of Form, or be removed or removable (except as herein mentioned) by Certiorari, or any other Writ or Process whatsoever, into any of Her Majesty's Courts of Record at Dublin.

Rates and Proceedings not to be quashed for Want of Form.
Id. s. 107.

CXXXIX. In any Case of Appeal the Court of Quarter Sessions before whom the same is heard and determined may, if they think fit, state the Facts specially for the Determination of Her Majesty's Court of Queen's Bench thereon, in which Case it shall be lawful to remove the Proceedings, by Writ of Certiorari or otherwise, into
 40 the said Court of Queen's Bench.

In case of Appeal, Sessions may grant a Special Case.
Id. s. 108.

General
Classes.Limitation
of Actions,
Id. s. 109.Defendant
may plead
the General
Issue.

Costs.

Fees and
Expenses.Amount of
Fees.
Id. s. 110.

CXL. No Action or Suit shall be commenced against any Person for anything done in pursuance of or under the Authority of this Act until Twenty-one Days Notice has been given thereof in Writing to the Justice, Surveyor, or Person against whom such Action is intended to be brought, nor after sufficient Satisfaction or Tender 5 of Satisfaction has been made to the Party aggrieved, nor after Three Calendar Months next after the Fact committed for which such Action or Suit shall be so brought; and every such Action shall be brought, laid, and tried where the Cause of Action shall have arisen, and not in any other County or Place; and the De- 10 fendant in such Action or Suit may plead the General Issue, and give this Act and every special Matter in Evidence at any Trial which shall be had thereupon; and if the Matter or Thing shall appear to have been done under or by virtue of this Act, or if it shall appear that such Action or Suit was brought before Twenty- 15 one Days Notice thereof given as aforesaid, or that sufficient Satisfaction was made or tendered as aforesaid, or if any Action or Suit shall not be commenced within the Time before limited, or shall be laid in any other County than as aforesaid, then the Jury shall find a Verdict for the Defendant therein; and if a Verdict shall be found 20 for such Defendant, or if the Plaintiff in such Action or Suit shall become Nonsuit, or suffer a Discontinuance of such Action, or if upon any Demurrer in such Action Judgment shall be given for the Defendant therein, then and in any of the Cases aforesaid such Defendant shall have Costs as between Attorney and Client, and 25 shall have such Remedy for recovering the same as any Defendant may have for his or her Costs in any other Case by Law.

CXLI. The several Fees hereafter limited and expressed, and no others, shall be taken by the Clerk of the Peace, Clerk to the Justices, or others, for their several respective Services in the Execution of this 30 Act; (that is to say,) the Sum of *Sixpence* for every Information; the Sum of *One Shilling* for every Summons or Warrant, and *Sixpence* for the Service thereof; the Sum of *Sixpence* for every Notice, and *Sixpence* for the Service thereof; the Sum of *One Shilling* for every Order, and *Sixpence* for the Service thereof; the Sum of *Two Shil- 35 lings* for every Warrant of Distress; the Sum of *One Shilling* for every Appointment; and the Sum of *Two Shillings* for every Conviction: Provided always, that in no Place regulated by a Local Act of Parliament, when the Amount of the Fees to be taken by the Clerk to the Justices or others in any Proceeding for the Recovery 40 of any Rate shall be less than the Fees herein-before mentioned, shall it be lawful for such Clerk to the Justices or others to demand or take a greater Fee for any similar Proceeding under this Act than the

the Fee which may be mentioned or directed to be taken by such Local Act.

CXLII. If the Inhabitants of any Parish shall agree at a Vestry to defend any Indictment found against any such Parish, or to appeal
 5 against any Order made by or Proceeding of any Justice of the Peace in the Execution of any Powers given by this Act, or to defend any Appeal, it shall and may be lawful for the Surveyor of such Parish to charge in his Account the reasonable Expenses incurred in defending such Prosecution, or prosecuting or defending such Appeal, after the
 10 same shall have been agreed to by such Inhabitants at a Vestry or public Meeting as aforesaid, and allowed by Two Justices of the Peace within the Division where such Highway shall be; which Expenses, when so agreed to or allowed, shall be paid by such Parish out of the Fines, Forfeitures, Payments, and Rates authorized to be
 15 collected and raised by virtue of this Act: Provided nevertheless, that if the Mowcy so collected and raised is not sufficient to defray the Expenses of repairing the Highways in the said Parish, as well as of defending such Prosecution, or prosecuting or defending such Appeal as aforesaid, the said Surveyor is hereby authorized to make,
 20 collect, and levy an additional Rate in the same Manner as the Rate by this Act is authorized to be made for the Repair of the Highway.

Expenses for
defending
Prosecutions
agreed upon
at a Vestry
Meeting, how
to be paid.
Id. s. 111.

CXLIII. Nothing in this Act contained shall be construed to abridge, repeal, alter, amend, or interfere with the Powers and Pro-
 25 visions contained in any Act relating to any particular Parish or Place for any of the Purposes in this Act mentioned.

Saving Clauses.
Not to limit
the Powers of
Acts relating
to any parti-
cular Parish,
&c.
Id. s. 112.

CXLIV. Nothing in this Act contained shall apply to any Turn-
 30 pike Roads, except where expressly mentioned, or to any Roads, Bridges, Carriageways, Cartways, Horseways, Bridleways, Footways, Cansewnys, Churchways, or Pavements which now are or may here-
 after be paved, repaired, or cleansed, broken up, or diverted under or by virtue of the Provisions of any Local or Personal Act or Acts of Parliament.

Not to
extend to
Turnpike
Roads, or to
Roads under
Local Acts.
Id. s. 113.

CXLV. Provided always, That nothing in this Act contained shall
 35 extend to or be deemed or construed to extend to alter, affect, restrain, or abridge the Powers or Authorities given to the Commis-
 sioners of Sewers by any Act of Parliament whatsoever, or to vary or alter any of the Provisions or Regulations thereby made, directed, or provided, anything herein contained to the contrary thereof in anywise
 40 notwithstanding.

Powers of
Commissioners
of Sewers
not abridged.
Id. s. 117.

Concerning
the Forms of
Proceedings.
Id. s. 118.

CXLVI. The Forms of Proceedings relative to the several Matters contained in this Act which are set forth and expressed in the Schedule hereto annexed may be used upon all Occasions, with such Additions or Variations only as may be necessary to adapt them to the particular Exigencies of the Case; and no Objection shall be made or Advantage taken for Want of Form in any such Proceedings by any Person whomsoever. 5

Commence-
ment of
Act.

CXLVII. This Act shall commence and take effect from and after the Day of March One thousand eight hundred and 10

Short Title.

CXLVIII. This Act may be cited as "The General Highway Act (Ireland) 1853."

The SCHEDULE (stating the Forms) to which this Act refers, and the Enactments which it repeals.

No. 1.

Notice to Person of his having been elected Surveyor.

[*Referred to in Sec. .*]

A.B. Take notice, That you were, at a Meeting held at [*insert the Name of the Parish, &c.*] on the Day of
elected and chosen Surveyor [*or One of the Surveyors*] of the High-
ways for the said [*Parish, &c.*] for the Year ensuing.

Dated the Day of

C.D. Chairman.

To *A.B.* of

No. 2.

Appointment of Surveyor with Salary.

[*Referred to in Sec. .*]

At a Meeting of the Inhabitants of in Vestry
assembled at on the Day of
A.B. was nominated, elected, and appointed as Surveyor of such
Parish, for the Purpose of carrying into execution the Provisions of
an Act, intitled [*here set out Title of Act*], for the Year ensuing;
and the Salary to be allowed to the said *A.B.* was fixed at the
Sum of payable on .

Dated the Day of

C.D. Chairman.

No. 3.

Appointment of Surveyor by Justices.[*Referred to in Sec. .*]

At a Special Sessions for the Highways held at
 in the Division, &c. of by Justices of the
 Peace for the said County acting within the said Division,
 &c. on the Day of .

Whereas it hath appeared to us the said Justices, on the Oath of
A. B., an Inhabitant of the Parish of that the Inhabitants
 of the said Parish in Vestry assembled have neglected [*or refused*] to
 nominate and elect a Surveyor in manner and for the Purposes men-
 tioned in a certain Act, intituled [*here set out Title of Act*], [*or that*
the Surveyor appointed by the Inhabitants of the Parish is dead, or
has ceased to possess the Qualification required by the said Act, or
has become disqualified, or has neglected to act, or has refused to
carry into operation the Duties imposed upon him by the said Act,]
 we do therefore hereby appoint you *C. D.* of Surveyor
 for such Parish for the Year ensuing [*or for the Space of*],
 with the Salary of for your Trouble; and you the said
C. D. are faithfully and truly to execute the Office of Surveyor
 according to the Directions of the said Statute.

Given under our Hands, the Day and Year first above mentioned.

To *C. D.**E. F.**G. H.*

No. 4.

Form of Highway Rate.[*Referred to in Sec. .*]

Names of Occupiers or Persons rated.	Description of the Premises and Property rated.	Annual Value.	Sums assessed or paid in the Pound.
<i>A. B.</i> - -	House and Garden -	£ s. d. 5 0 0	£ s. d. 0 4 2
<i>C. D.</i> - -	A Farmhouse, Lands, and Buildings.	100 0 0	4 3 4
<i>E. F.</i> - - <i>and so forth,</i>	A Warehouse - -	20 0 0	0 16 8

A. B. } Surveyor [*or Surveyors*] of the Parish
C. D. } of

No. 5.

QUESTIONS to which, by Directions of "The General Highway Act, Ireland, 1853," written Answers are to be returned by the Surveyor of the Highways of every Parish, Township, or District for which Purpose the said Surveyor of the Highways is to attend the Justices of the Peace within their respective Jurisdictions, on pain of incurring the Penalties imposed by the said Act for every wilful Default or Neglect.

First: What is the estimated Extent of public Highways or Roads used for Wheel Carriages within your Parish or District, computing the aggregate Length of such Highways in Statute Miles of One thousand seven hundred and sixty Yards to a Mile, distinguishing Streets or Roads repaired under any Local Act, and Turnpikes (if any) from all other such Highways or Roads?

Second: What was the Amount of Rates levied for the Repair of the Highways in each of the Years ending in March 18 , 18 , and 18 ?

Third: What was the Amount expended in Repairs of the Highways in each of those Years respectively?

Fourth: What was the Amount of Money expended in Law and other Expenses relative to the Highways, exclusive of Repairs occasioned by Presentments or Indictments, in those Years respectively?

Fifth: What was the total Amount of Money expended in those Years respectively?

In answer to this Question you are to take care that the Amount be the Total of the Two Columns marked 3 and 4, or to explain on the Schedule why it does not agree therewith.

Sixth: What was the Amount in the Pound at which the Highway Rate was assessed in each of the Years ending in March 18 , 18 , and 18 ?

Seventh: Are there any Matters which you think it necessary to remark in explanation of your Answers to any of the preceding Questions?

1890

11

Name and Description of Locality, and whether usually visited. Ranch, or Station, or Farm, or Mine, or other place, and of what it consists, or other Detail.	Time travelling to Station.	To Question 1.		To Question 2.	To Question 2.	To Question 4.	To Question 5.	To Question 6.
		Length of the public Highways used in Wind Courses.		Amount of Rain-fall.	Amount of Money expended on Repairs of Highways.	Amount of Money expended on Fuel and other Expenses incidental to Payment of a Toll-tax.	Total Expenditures on Money Incidental to Transportation.	Amount to be Paid on what the Highway State has interest.
		Amount of public or improved roads in Local Use.	Temples.					
	10				d c d	d c d	d c d	d c d
	10							

Remarks on account to Question 7.

[illegible]Enlightened leaders are, C.D., E.P., *Journal of the Peace and War*

Use of the *in vitro* model system for the study of the effects of the chemical on the growth of the microorganism.

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14

*Statement to be returned to One of the Principal Secretaries of State
by the Clerk to the Justices at the Special Sessions.*

GENERAL STATEMENT of the RECEIPTS and EXPENDITURE on account of
the HIGHWAYS of the Parish [Township, Hamlet, &c.] of
in the County of _____ for the Year ending 25th March
18 __, as appearing from the Accounts of
Surveyor of Highways for the said Parish [Township, Hamlet,
&c.], allowed by the Justices at a Special Sessions for the High-
ways holden at _____ on the _____ Day of _____.

RECEIPTS.

	£	s.	d.
Balance in hand (if any) from last Account	-	-	-
Rates or Assessments received in Money	-	-	-
Value of Team Labour performed by Ratepayers in lieu of Rates	-	-	-
Value of other Work performed by Ratepayers in lieu of Rates	-	-	-
Receipts from Turnpike Trusts (if any)	-	-	-
Other Receipts	-	-	-

Total Income - £ _____

EXPENDITURE.

	£	s.	d.
Balance overpaid (if any) on last Account	-	-	-
Paid for Manual Labour	-	-	-
„ for Team Labour (in Money)	-	-	-
„ for Materials	-	-	-
„ for Tradesmen's Bills	-	-	-
„ for Salaries	-	-	-
Value of Team Labour performed by Rate-payers in lieu of Rates	-	-	-
Value of other Work performed by Ratepayers in lieu of Rates	-	-	-
Payments to Turnpike Trusts (if any)	-	-	-
Other Payments	-	-	-

Total Expenditure - £ _____

Leaving on the 25th March 18 __ a Balance of £ _____
in hand, or overspent, as the Case may be.

(Signed) _____

Clerk to the Justices for the Division.

Dated _____ 18 __.

(A. 1.)

Complaint of the Surveyors against One Ratepayer.

so wit. } Be it remembered, That on the Day of
 } in the Year of our Lord the Surveyors of the
 Highways of the Parish of in the County of
 aforesaid, by *C.D.*, One of the said [Surveyors], complain to the
 undersigned, [One] of Her Majesty's Justices of the Peace in and for
 the said [County], that *A.B.* of the said [Parish], being a Person
 duly rated and assessed to the Maintenance of the Highways of the
 said Parish, in and by a Rate * made on the Day of
 in the Year in the Sum of
 hath not paid the same or any Part thereof, but hath refused so to do:
 Wherefore the said Surveyors, by *C.D.* aforesaid, pray that the said
A.B. may be summoned to appear before Two of Her Majesty's
 Justices of the Peace, to show Cause why he hath not paid and
 refuses to pay the said Sum.

C.D.

Made and exhibited before me
 at in the County of
 on this Day of 1849. }
 E.F.

* Or, in and by several Rates made on and on
 in the several Sums of and of .

(A. 2.)

Complaint against several Ratepayers.

so wit. } Be it remembered, That on the Day of
 } in the Year of our Lord the Surveyors of the
 Highways of the Parish of in the [County] of
 aforesaid, by *C.D.*, One of the said Surveyors, complain to the
 undersigned, [One] of Her Majesty's Justices of the Peace in and for
 the said [County], that the several Persons whose Names are men-
 tioned and set out in the Schedule hereunder written, being Persons
 duly rated and assessed to the Maintenance of the Highways of the
 said Parish in and by the Rates in the said Schedule mentioned, in
 certain Sums set down opposite to their respective Names in the
 said Schedule, have not respectively paid the said Sums or any Part
 thereof,

thereof, but have respectively refused so to do: Wherefore the said Surveyors, by *C.D.* aforesaid, pray that said several Persons may respectively be summoned to appear before Two of Her Majesty's Justices of the Peace, to show Cause respectively why they have not paid and refuse to pay the said Sums respectively.

SCHEDULE.

Names of the Rate-payers.	Residence.	Under Rate dated the 18 .	Arrears due under Rate dated the 18 .	Total Sum due.
		£ s. d.	£ s. d.	£ s. d.
A. B. - -	(here state it)	1 7 0	1 7 0	2 14 0
L. K. - -	- - -	0 13 0	- - -	0 13 0
L. M. - -	- - -	- - -	0 18 6	0 18 6
N. P. - -	- - -	0 14 8	0 14 8	1 8 6

C.D.

Made and exhibited before me
at in the County of
on this Day of 1849.
E.F. }

(B.)

*Summons upon the Complaint.*To *A.B.* of

WHEREAS Complaint hath this Day been made before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the [*County*] of by the Surveyors of the Highways of the Parish of in the said [*County*], that you, being a Person duly rated and assessed to the Maintenance of the Highways of the said Parish, in and by a Rate made on the Day of 18 , in the Sum of , have not paid the same or any Part thereof, but have refused so to do: These are therefore to command you, in Her Majesty's Name, to be and appear on at o'Clock in the Forenoon at before such Two or more Justices of the Peace for the said [*County*] as may then be there, to show Cause why you have not paid and refuse to pay the same, otherwise you shall be proceeded against by Default as if you had appeared, and be dealt with according to Law.

Given under my Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

E.F.

Take

Take notice, that you have already incurred the under-mentioned Costs; viz.

	<i>s.</i>	<i>d.</i>
Clerk to the Justices - - - -	-	-
Overseer [<i>or</i> Surveyor], for obtaining the Summons	-	-
Constable, for serving ditto - - -	-	1 0
Ditto, travelling Expenses at Threepence per Mile -	-	-
Total -	-	-

If the Amount of these Charges, together with the Rate claimed, be paid to the Overseer [*or* Surveyor] before the Day on which the Summons is returnable, all further Proceedings will be stopped.

(C. 1.)

Warrant of Distress against One Ratepayer.

To the Surveyors of the Highways of the Parish of
in the [County] of and to the Constable of
and to all other Peace Officers in the said [County].

WHEREAS on last past a Complaint was made before
E.F., One of Her Majesty's Justices of the Peace in and for the
[County] of by the Surveyors of the Highways of the
Parish of in the said [County], that A.B., being a
Person duly rated and assessed to the Maintenance of the High-
ways of the said Parish in and by a Rate made on
in the Sum of had not paid the same or any
Part thereof, but had refused so to do; and now at this Day, to wit,
on at the Parties aforesaid appear before us,
the undersigned, Two of Her Majesty's Justices of the Peace in and
for the said County [*or* the said Surveyors, by C.D., One of the said
Surveyors, appear before us, the undersigned, Two of Her Majesty's
Justices of the Peace in and for the said County; but the said A.B.,
although duly called, doth not appear by himself, his Counsel or
Attorney, and it is now satisfactorily proved to us on Oath that the
said A.B. has been duly served with the Summons in this Behalf,
which required him to be and appear here at this Day before such
Two or more Justices of the Peace as should now be here, to answer
the said Complaint, and to be further dealt with according to Law];
and now having heard the Matter of the said Complaint, and it
being now duly proved to us upon Oath [in the Presence and
Hearing of the said A.B.], that an Assessment for the Maintenance

of the Highways of the said Parish of _____ and for other
 Purposes chargeable thereon according to Law, dated the _____
 was duly made, allowed, and published, and that the said *A.B.* is
 therein and thereby assessed at the Sum of _____ aforesaid,*
 and that the said Sum hath been duly demanded of the said *A.B.*,
 but that he hath not paid and hath refused and still refuses to pay
 the same; and the said *A.B.* now not showing to us any sufficient
 Cause for not paying the same, These are therefore to command
 you, in Her Majesty's Name, forthwith to make Distress of the
 Goods and Chattels of the said *A.B.*; and if within the Space of
 [Five] Days after the making of such Distress the said Sum, and
 the Sum of _____ for the Costs incurred by the said
 Surveyors in obtaining this Warrant, together with the reasonable
 Charges of taking and keeping the said Distress, shall not be paid,
 that then you do sell the said Goods and Chattels so by you dis-
 trained, and out of the Money arising by such Sale you retain the
 said Sums of _____ and _____ rendering the Overplus,
 on Demand, to the said *A.B.*, the reasonable Charges of taking,
 keeping, and selling the said Distress being first deducted; and if no
 such Distress can be found that then you certify the same unto us,
 to the end that such further Proceedings may be had herein as to the
 Law doth appertain.

Given under our Hands and Seals, this _____ Day of _____
 in the Year of our Lord _____ at _____ in the [County]
 aforesaid.

E.F.

G.H.

* "And that a certain other Assessment for the Relief," &c. to the
Asterisk, if there be Arrears.

(C. 2.)

Warrant of Distress against several Rate-payers.

To the Surveyor of the Highways in the Parish of _____
 in the [County] of _____ and to the Constables
 of _____ and to all other Peace Officers in the
 said [County].

WHEREAS on _____ last past a Complaint was made before *E.F.*,
 One of Her Majesty's Justices of the Peace in and for the [County]
 of _____ by the Surveyors of the Highways of the Parish
 of _____ in the said [County], that the several Persons whose
 Names are mentioned and set forth in the Schedule hereunder written,
 being Persons duly rated and assessed to the Maintenance of the
 Highways of the said Parish in and by the Rates in the Sched-
 ule

dale in that Complaint and in this Warrant underwritten, in certain Sums set down opposite to their respective Names in the said Schedule, had not respectively paid the said Sums or any Part thereof, but had respectively refused so to do; and now at this Day, to wit, on _____ at _____ the said Surveyors, by *C.D.*, One of the said Surveyors, and *A.B.*, *I.K.*, and *L.M.*, some of the said Parties in the said Schedule mentioned, appear before us, the undersigned, Two of Her Majesty's Justices of the Peace in and for the said [County]; but the said *N.P.*, although duly called, doth not appear by himself, his Counsel or Attorney; and it is now satisfactorily proved to us on Oath that the said *N.P.* has been duly served with the Summons in this Behalf, which required him to be and appear here at this Day before such Two or more Justices of the Peace as should now be here, to answer the said Complaint, and to be further dealt with according to Law; and now having heard the Matter of the said Complaint against the said several Parties, and it being now duly proved to us upon Oath, in the Presence of the Parties so appearing as aforesaid, that an Assessment for Maintenance of the Highways of the said Parish of _____ and for other Purposes chargeable therein according to Law, dated the _____ was duly made, allowed, and published, and that the said several Persons whose Names are mentioned and set out in the Schedule hereunder written are therein and thereby assessed at the Sums set down opposite to their respective Names in the said Schedule, and that the said several Sums have been duly demanded of them respectively, but they have not nor hath any of them paid the said Sums or any of them, or any Part thereof respectively, but they have refused and still do refuse to pay the same respectively, and have not, nor hath any of them, showed to us sufficient Cause for not paying the same; These are therefore to command you, in Her Majesty's Name, forthwith to make Distress of the Goods and Chattels of the several Persons whose Names are mentioned and set out in the Schedule hereunder written; and if within the Space of Five Days after the making of such Distresses respectively the said several Sums set opposite to their respective Names at which they were so rated and assessed as aforesaid, and the said several Sums for Costs incurred by the said Surveyors, also set opposite to their respective Names, together with the reasonable Charges of taking and keeping the said Distress in each Case, shall not be paid, that then you do sell the Goods and Chattels of the Party so making default so by you distrained, and out of the Money arising by such Sales respectively you retain the Sums so set opposite to the Name of each Party whose Goods you shall have so sold, rendering to him the Overplus, the reasonable Charges of taking, keeping, and selling the said Distress being first deducted; and if

923. K 2 in

in any of the Cases mentioned in the Schedule hereunder written no such Distress can be found, that then you certify the same unto us, to the end that such further Proceedings may be had herein as to the Law doth appertain.

SCHEDULE.

Names of Rates- payers.	Residence.	Under Rate dated 18 .	Amount due under Rate dated 18 .	Cash.	Total.
A. B. - -	(here state it)	£ s. d. 1 7 0	£ s. d. 1 7 0	£ s. d. 0 6 0	£ s. d. 3 0 0
I. K. - -	- - -	0 13 0	- - -	0 2 0	0 13 0
L. M. - -	- - -	- - -	0 18 6	0 3 0	1 1 6
N. P. - -	- - -	0 14 3	0 14 3	0 5 0	1 13 6

Given under our Hands and Seals, this
in the Year of our Lord at
aforesaid.

Day of
in the [County]

E.F.

G.H.

List of the Costs and Charges on Distresses for Rates under £20.

	£	s.	d.
Levying Distress - - - -	0	3	0
Man in possession, per Day - - -	0	2	6
Appraisement, whether by One Broker or more, Sixpence in the Pound on the Value of the Goods.			
Stamp, the lawful Amount thereof.			
All Expenses of Advertisement, if any such -	0	10	0
Catalogues, Sale and Commission, and Delivery of Goods, One Shilling in the Pound on the net Produce of the Sale.			

D.

Warrant of Commitment in default of Distress.

To the Surveyors of the Highways of the Parish of _____ in
 the [County] of _____ and to the Constable of _____
 and to all other Peace Officers in the said [County], and to
 the Keeper of the [House of Correction] at _____ in the
 said [County].

WHEREAS on _____ last past a Complaint was made before
E.F. Esquire, One of Her Majesty's Justices of the Peace in and
 for the said [County] of _____ by the Surveyors of the High-
 ways of the Parish of _____ in the said [County], that *A.B.*,
 being a Person duly rated to the Maintenance of the Highways of
 the said Parish, in and by a Rate made on _____ in the Sum
 of _____ had not paid the same or any Part thereof, but had
 refused so to do; and afterwards on _____ at _____ the
 Parties aforesaid appeared before *E.F.* and *G.H.*, Esquires, Two of
 Her Majesty's Justices of the Peace in and for the said County
 [or the said Surveyors, by *C.D.*, One of the said Surveyors,
 appeared before *E.F.* and *G.H.*, Esquires, Two of Her Majesty's
 Justices of the Peace in and for the said County; but the said *A.B.*,
 although duly called, did not appear by himself, his Counsel or
 Attorney, and it was then satisfactorily proved to the said Justices
 that the said *A.B.* had been duly served with the Summons in that
 Behalf, which required him to be and appear there at that Day
 before such Two or more Justices of the Peace as should then be
 there, to answer the said Complaint, and to be further dealt with
 according to Law; and then, having heard the Matter of the said
 Complaint, and it being then duly proved to the said Justices upon
 Oath [in the Presence and Hearing of the said *A.B.*] that an Assess-
 ment for the Maintenance of the Highways of the said Parish of
 _____ dated the _____ was duly made, allowed, and
 published, and that the said *A.B.* was therein and thereby assessed
 at the Sum of _____ aforesaid, and that the said Sum had
 been duly demanded of the said *A.B.*, but that he had not paid, and
 had refused and still refused to pay the same, and the said *A.B.* then
 not showing to the said *E.F.* and *G.H.* any sufficient Cause for not
 paying the same, the said Justices thereupon then issued a Warrant
 to _____ commanding them to levy the said Sum of
 _____ and the Sum of _____ for the Costs incurred in obtaining that
 Warrant, by Distress and Sale of the Goods and Chattels of the said
A.B.: And whereas it now appears to me, the undersigned, One of
 Her Majesty's Justices of the Peace in and for the said [County], as
 well by the Return of the said _____ to the said Warrant of

No. 7.

Certificate of Justices, of Highway having been made in a substantial Manner, &c.

(*Referred to in Sec. .*)

W^e, Two of the Justices of the Peace in and for the County of _____ having viewed a certain Highway lately made by *A.B.* in the Parish of _____ in the said County, situate, &c. [*describing its Situation and Extent*], do hereby certify, That the same has been made in a substantial Manner, and of the Width required by a certain Act, intituled [*here set out the Title of Act*].

Dated this _____ Day of _____

C.D.
E.F.

No. 8.

Notice to remove Snow, &c.

(*Referred to in Sec. .*)

I *A.B.*, Justice of the Peace in and for the County of _____ do hereby give you, the Surveyor [*or Surveyors*] of the Parish of _____ Notice, that the Highway leading from _____ to _____ [*describing its Situation*] is obstructed or impeded from the Accumulation of Snow [*or from the falling down of the Banks on the Side of the said Highway, &c., as the Case may be,*] and require you to cause the same to be removed.

Dated this _____ Day of _____

To *C.D.* and *E.F.*, &c., }
Surveyors of the Parish }
of _____

R. of, &c.

No. 10.

Licence from Justices at Special Sessions for the Highways for a Surveyor to dig, &c. Materials upon inclosed Lands, for the Repair of Highways.

(Referred to in Sec. .)

to wit. } To the Surveyor of the Parish of _____ in the
Hundred of _____ in the said County.

WHEREAS by an Act, intituled [*here set out Title of Act*], the Surveyor is authorised to dig, get, take, and carry away Materials lying upon any Lands or Grounds within the Parish for which he is appointed, for the Use and Benefit of the Highways, but not without the Consent of the Occupier or Owner of such Lands or Grounds, or his Agent, or a Licence from the Justices at a Special Sessions for the Highways: And whereas it appears to us

Her Majesty's Justices of the Peace for the said County, and acting within the said [Hundred, &c.] at a Special Sessions for the Highways assembled, upon the Oath of C.D. the said Surveyor [*or One of the Surveyors*], that he hath applied to A.B. of _____ for his Consent to dig, get, take, and carry away Materials from the Lands called or known by the Names of _____ and _____ in his Occupation [*or of which he is the Owner, or in the Occupation of J.K., or of which J.K. is the Owner, and the said A.B. his Agent*], within the said [Parish, &c.], for the Purposes aforesaid, and that the said Materials are necessary for the Repairs of the Highways, and that the said A.B. hath refused to permit the same to be dug, got, taken, and carried away; and the said A.B., having been duly summoned to appear before us, to show Cause why such Permission should not be granted, and having appeared before us accordingly, [*or having sent his Steward or Agent, or C.D., on his Behalf, to attend us on that Occasion, or, but not having appeared,*] we have heard what has been alleged, and taken the said Matter into consideration, and are of opinion that the said Materials are necessary, and ought to be dug, got, taken, and carried away for the Purposes aforesaid: Therefore we do hereby give our Licence to the said Surveyor [*or Surveyors*] to dig, get, take, and carry away the same accordingly, the said Surveyor making Satisfaction for the same, and also for the Damage done to such Lands, in the Manner directed by the said Act.

Given under our Hands, the _____ Day of _____ One thousand eight hundred and _____

J.P.

K.P.

No. 11.

Licence from Justices at a Special Sessions for the Highways to get Materials for the Repair of the Highways in another Parish besides that wherein such Materials are to be employed.

[Referred to in Sec.]

(to wit.) } At a Special Sessions for the Highways held at
in the Hundred, &c. of in the said County, by Justices of the Peace for the said County acting within the said Hundred on the Day of

It appearing to us, upon Evidence this Day received, that sufficient Materials cannot conveniently be had within the Waste Land, Common Grounds, Rivers or Brooks, nor in the inclosed Lands or Grounds, lying within the [Parish, &c.] of in the said Hundred, for the Repairs of the Highways within the said [Parish], nor in the Waste Lands, Common Grounds, Rivers, or Brooks within the [Parish] of adjoining to the said [Parish] of

we do hereby give our Licence to the Surveyor or [Surveyors] of the said [Parish] of to search for, dig, get, and carry Materials within the inclosed Lands or Grounds of C.D. within the said [Parish] of to be employed in the Repair of the Highways within the said [Parish] of it appearing from Evidence before us that there are proper Materials within the said Lands for the Purposes aforesaid lying convenient to the said Highways, and that after such Materials shall be so taken there will be sufficient left for the Use of the Highways within the said Parish of upon the said Surveyor [or Surveyors] making Satisfaction for the same, and also for the Damage done to such Lands, in the Manner directed by the Act, intituled [*here set out Title of Act,*] subject to such Restrictions as are therein contained. Given under our Hands the Day and Year above written.

J.P.

K.P.

No. 12.

Information to enable Justices to fix Boundaries of Highway lying in Two Parishes.

(Referred to in Sec.)

County of } At a Special Sessions for the Highways holden,
 } &c.

I.S., the Surveyor [or One of the Surveyors] of the Parish of *A.*, came before the Justices aforesaid, and informed them, that there is in the said County a certain common Highway leading from *M.* to *N.*, and that there is a certain Part of the said Highway, that is to say, so much thereof as lies between a certain Place called *C.* and a certain other Place called *D.*, being in Length [as the Case may be], one Side of which last-mentioned Part of the said Highway adjoining to the Parish of *A.* lies within the said Parish of *A.*, and is to be and of Right ought to be repaired by the said Parish of *A.* [or by, &c., describing the Body Politic or Corporate, or Person, liable to the Repair], and that the other Side of the same Part of the said Highway adjoining to the Parish of *B.* lies within the Parish of *B.*, and is to be and of Right ought to be repaired by the said Parish of *B.* [or by, &c.], and stating that the Repair of such Part of the said Highway is very inconvenient to the Parishes aforesaid, and the Want thereof detrimental to the Public; and therefore praying, that such Part of the said Highway may be allotted and apportioned for the Repair thereof by the Justices aforesaid to the said several Parishes of *A.* and *B.* [or to, &c.], in the Manner directed by an Act, intituled [set out Title of Act].

(Signed) *I.S.*, One of the Surveyors of
 Parish of *A.*

The above Application was made to us
 the Day and Year first above written.

J.P.

K.P.

No. 13.

Summons to be subjoined to a Copy of the above Information.

(Referred to in Sec.)

County of } To the Surveyor [or Surveyors] of the Parish of *B.* in
 } the said County, any or either of them.

WHEREAS a certain Information has been given to us, Her Majesty's Justices of the Peace for the said County, at a Special Sessions for the Highways, by *I.S.*, the Surveyor [or One of the Surveyors] of the Parish of *A.* in the said County, a true Copy whereof is
 923. L 2 above

above written: These are, in Her Majesty's Name, to summon you, any or either of you, to appear before us at _____ in the said County on the _____ Day of _____ to show Cause (if any) why an Allotment and Apportionment of the Highways therein mentioned should not be made according to the Provisions of the Act referred to in the said Information. Hereof fail not.

Given under our Hands this _____ Day of _____

J.P.
K.P.

No. 14.

Final Order and Adjudication, to be filed with the Clerk of the Peace.

(*Referred to in Sec. _____*)

WHEREAS, &c.

1.—*State the original Application.*

2.—*The Summons.*

3.—*The Appearance, and that the Parties were heard, or their Nonappearance.*

Now we, the Justices aforesaid, having fully heard and understood the Premises, do declare, adjudge, and order that the said Highway shall be divided in the following Manner; (that is to say,) that at the Distance of _____ measuring from the Place called C., there shall be erected certain Posts or Stones, E. and F., on each Side of the said Highway, and the whole of the said Highway from the Place called C. to such Posts or Stones shall be from Time to Time and at all Times hereafter repaired by the Parish of A. [or by, &c.], and the whole of the said Highway from such Posts or Stones to the Place called D. shall from Time to Time and at all Times hereafter be repaired by the Parish of B. [or by, &c.]

In witness whereof we have hereunto set our Hands, this _____ Day of _____

J.P. (L.S.)
K.P. (L.S.)

No. 15.

Notice from Surveyor to remove Nuisances.

(*Referred to in Sec. _____*.)

To C.D. of _____

In pursuance of the Directions given by an Act, intituled [*set out Title of Act*], I A.B., &c., the Surveyor [or One of the Surveyors] of _____

of the Parish of do hereby give you Notice forthwith
to remove the [Filth, Dung, Ashes, Rubbish, &c.] placed by you on
a certain Part of the King's Highway lying between and
in the [Parish] of to the Obstruction and
Annoyance of the said Highway.

Dated this

Day of

A.B. Sc.

No. 16.

Order of Two Justices for widening a Highway.

(Referred to in Sec.

to wit. } Two of Her Majesty's Justices of the
Peace for the said County acting within the [Hundred],
&c. of within the said County, having, upon View, found
that a certain Part of the Highway between and
in the [Parish, &c.] of in the said [Hundred], for the
Length of Yards or thereabouts, and particularly described
in the Plan hereunto annexed, is for the greatest Part thereof narrow,
but may be conveniently enlarged and widened by adding thereto
from the Lands and Grounds of and
of the Length of Yards or thereabouts, and of the Breadth
of Foot or thereabouts, particularly described in the Plan
hereunto annexed, which we think will widen and enlarge the same,
and be much more commodious to the Public, do hereby order that
the said Highway be widened and enlarged accordingly, and that the
Surveyor [or Surveyors] of the [Parish, &c.] of where
the said old Highway lies, do forthwith proceed to treat and make
Agreement with the said and for the Recom-
pence to be made for the said Ground, and for the making such
Ditches and Fences as shall be necessary, in such Manner, with such
Approbation, and by pursuing such Measures and Directions in all
respects as are warranted and prescribed by the Statute, intituled [*set
out Title of Act*], and in case such Agreement shall be made as
aforesaid, we do order an equal Assessment, not exceeding the Rate
of in the Pound, to be made, levied, and collected upon all
and every the Parties liable to the Payment of the Highway Rate
in the said [Parish, &c.] of and that the Money arising
thereupon be paid and applied in making such Recompence and
Satisfaction as aforesaid, pursuant to the Directions of the said Act.

A.B.

C.D.

No. 17.

Certificate from the said Justices to the Court of Quarter Sessions.

(Referred to in Sec. _____.)

To the Justices of the Peace at their General Quarter Sessions
to be held at _____ in the said County, the
Day of _____ One thousand eight hundred and _____.

This is to be written upon the above Order when an Agreement can be made.

We, the within-named *A.B.* and *C.D.*, do hereby certify to the said Court of Quarter Sessions, that we made and signed the within Order, and that with our Approbation and by our Direction the said Surveyor [or Surveyors] has [or have] treated with the said and for the said Lands required for the Purposes aforesaid, but was not able to make any Agreement for that Purpose with them or either of them, and that he tendered to the said the Sum of and to the said the Sum of as a Recompence for the said Ground, and for the making the said Ditches and Fences, which he [or they and each of them] refused to receive.

A.R.

C.D.

No. 18.

Consent from the Owner of the Land through which a new Highway is proposed to be made.

(Referred to in Sec. _____.)

I A.B. of _____ in the County of _____ being the Owner of the Lands described in the Plan hereunto annexed, through which Part of a certain Highway lying between _____ and _____ is intended to be diverted and turned, in consideration of the Sum of _____ to be paid to me for the said Land and Soil thereof, do hereby consent to the making and continuing such new Highway through my said Lands.

Given under my Hand, this Day of One
thousand eight hundred and

No. 19.

No. 19.

Form of Notice of diverting, &c. Highway.

(Referred to in Sec. .)

NOTICE is hereby given, That on the Day of
 next Application will be made to Her Majesty's Justices of the Peace
 assembled at Quarter Sessions in and for the County of
 at for an Order for [if the Order be for turning, diverting,
 and stopping up, &c., here to state it, and describe the Road ordered
 to be turned, diverted, and stopped up; if the Order be for stopping
 up a useless Road, here to state it, and describe the Road ordered to
 be stopped up]; and that the Certificate of Two Justices having
 viewed the same, &c., with a Plan of the old and proposed new High-
 way, will be lodged with the Clerk of the Peace for the said County
 on the Day of next.

A.B. } Surveyor [or Surveyors] of the
 C.D., &c. } Parish of .

No. 20.

Summons for any Person or Persons to attend a Justice or Justices.

(Referred to in Secs. .)

To A.B.

to wit. } WHEREAS Complaint and Information hath been made upon
 } Oath before me, C.D., One of Her Majesty's Justices of the
 Peace for the said [County, &c.] by E.F. of that, &c. [here
 state the Nature and Circumstances of the Case, as far as it shall be
 necessary to show the Offence, and to bring it within the Authority of
 the Justice, and in doing that follow the Words of the Act as near
 as may be]: These are therefore to require you personally to appear
 before me [or the Justices to be assembled at their Petty Sessions (or
 Special Sessions for the Highways) to be holden at in
 the said County, &c.] on the Day of next,
 at the Hour of in the noon, to answer to the said
 Complaint and Information made by the said E.F., who is likewise
 directed to be then and there present to make good the same. Herein
 fail not.

Given under my Hand, this Day of

C.D.

No. 21.

Information.

(Referred to in Sec. .)

to wit. } Be it remembered, That on the Day of
 } A.B. of in the said County informeth
 and maketh Oath before me One of Her Majesty's
 Justices of the Peace for the said County, that of
 in the said County, [here describe the Offence, with the Time and
 Place, and follow the Words of the Act as near as may be,] contrary to
 the Statute, intituled [here set out Title of Act], which hath imposed
 a Forfeiture for the said Offence.
 Taken and sworn, the Day of before me,

No. 22.

Form of Conviction.

(Referred to in Sec. .)

to wit. } Be it remembered, That on the Day of
 } in the Year of our Lord at
 in the County aforesaid, A.B. came before us of Her
 Majesty's Justices of the Peace for the said County, and informed
 us, that E.F. of on the Day of
 now last past, at in the said County, did
 [set forth the Fact in the Manner described by the Act], whereupon
 the said E.F., after being duly summoned to answer the said Charge,
 appeared before us on the Day of
 in the said County, and having heard the Charge alleged against him,
 declared that he was not guilty of the said Offence; but the same
 being fully proved upon the Oath of G.H., a credible Witness, it
 manifestly appears to us the said Justices that he the said E.F. is
 guilty of the Offence charged upon him in the said Information: It is
 therefore considered and adjudged by us the said Justices, that the
 said E.F. be convicted, and we do hereby convict him of the Offence
 aforesaid; and we do hereby declare and adjudge that he the said
 E.F. hath forfeited the Sum of of lawful Money of
 Great Britain and Ireland, for the Offence aforesaid, to be distributed
 as the Law directs, according to the Form of the Statute in that Case
 made and provided. Given, &c.

[After the Words, "being duly summoned to answer the said Charge," insert "did not appear before us pursuant to the said Summons," or "did neglect and refuse to make any Defence against the said Charge;" but the same being fully proved, &c. as before.]

[After the Words, "Charge alleged against him," insert "acknowledged and voluntarily confessed the same to be true;" and it manifestly appears to us the said Justices, &c. as above.]

This is to be inserted when the Party refuses to appear upon the Summons.

This is to be inserted when the Party accused confesses the Charge.

No. 23.

*Warrant to distrain for the Forfeiture.**(Referred to in Sec. .)*

to wit. } To the Constable [Headborough or Tithingman]
 of

WHEREAS *A.B.* of in the said County [Yeoman, &c.]
 is this Day convicted before us, Two of Her Majesty's Justices of
 the Peace in and for the said County, upon the Oath of *G.H.*, a
 credible Witness, for that the said *A.B.* hath [*here set forth the*
Offence, describing it particularly in the Words of the Act, as near as
may be], contrary to the Statute in that Case made and provided,
 by reason whereof the said *A.B.* hath forfeited the Sum of
 to be distributed as herein is mentioned, which he hath refused to
 pay: These are therefore in Her Majesty's Name to command you
 to levy the said Sum of by Distress of the Goods and
 Chattels of him the said *A.B.*; and if within the Space of Four Days
 next after such Distress by you taken the said Sum of
 together with the reasonable Charges of taking and keeping the same,
 shall not be paid, that then you do sell the said Goods and Chattels
 so by you distrained, and out of the Money arising by such Sale
 that you do pay One Half of the said Sum of to *E.F.*
 of who informed me of the Offence, and the other
 Half of the said Sum of to *I.K.*, the Surveyor of the
 Parish [Township or Place] where the said Offence [Neglect or
 Default] happened, to be employed towards the Repair of the said
 Highways, returning the Overplus, upon Demand, to him the said
A.B., the reasonable Charges of taking, keeping, and selling the
 said Distress being first deducted; and if sufficient Distress cannot be
 found of the Goods and Chattels of the said *A.B.* whereon to levy
 the said Sum of that then you certify the same to us,
 together with this Warrant.

Given under our Hands, the

Day of

*C.D.**E.F.*

This is to be
 varied accord-
 ing to the Act
 in each particu-
 lar Case.

No. 24.

Return of the Constable to be made upon the Warrant of Distress
when there are no Effects.

(Referred to in Sec. .)

I *A.B.*, Constable of the [Parish, &c.] of in the
 County of do hereby certify and make Oath, that by
 virtue of this Warrant I have made diligent Search for the Goods of
 923. M the

the within-named _____ and that I can find no sufficient Goods
whereon to levy the within Sum of _____

As witness my Hand, the _____

Day of _____

A.B.

Sworn before me, the Day and Year, &c.

C.D.

No. 25.

Commitment for Want of Distress.

(Referred to in Sec. _____.)

(to wit) } To the Constable of _____ in the said County and
to the Keeper of the Common Gaol [or House of Cor-
rection] at _____ in the said County.

WHEREAS A.B. of _____ in the said County, Yeoman, was
on the _____ Day of _____ convicted before us, Two of
Her Majesty's Justices of the Peace in and for the said County, upon
the Oath of E.F., a credible Witness, for that he the said A.B. [here
set forth the Offence], contrary to the Statute, intitled [here set out
Title of Act], by reason whereof the said A.B. hath forfeited the Sum
of _____ : And whereas on the _____ Day of _____ in the
Year aforesaid we did issue our Warrant to the [Constable] of _____
to levy the said Sum of _____ by Distress and Sale of the
Goods and Chattels of him the said A.B., and to distribute the same
according to the Directions of the said Statute: And whereas it duly
appears to us, upon the Oath of the said [Constable], that the said
[Constable] hath used his best Endeavours to levy the said Sum on
the Goods and Chattels of the said A.B. as aforesaid, but that no
sufficient Distress can be had whereon to levy the same: These are
therefore to command you the said [Constable] of _____ afore-
said to apprehend the said A.B., and him safely convey to the
Common Gaol [or House of Correction] at _____ in the said
County, and there deliver him to the Keeper thereof, together with
this Precept: And we do hereby also command you the said Keeper
to receive and keep in your Custody, and to keep to Hard Labour,
the said A.B. for the Space of _____ unless the said Sum shall
be sooner paid, pursuant to the said Conviction and Warrant, and for
so doing this shall be your sufficient Warrant.

Given under our Hands, the _____
Year of our Lord _____

Day of _____

in the

C.D.

E.F.